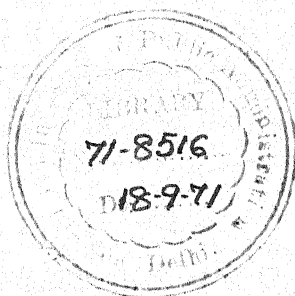


# DEPUTY COMMISSIONER IN PUNJAB



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NEW DELHI  
SEPTEMBER 1971

B6745433  
In2/c2

INDIA : Rs. 30.00  
PRICE : OVERSEAS : \$ 10.00  
£ 4.15 P



## FOREWORD

Even with the change in the complexion of the functions of the government after Independence, the district continues to be the nodal point of area-administration, and the institution of the district collector has shown considerable resilience and adaptability to the constitutional, social and economic change which has since taken place. The role of the district collector, who is known as deputy commissioner in the former non-regulatory provinces may have lost some of its pristine glory and powers but for the larger part of the country his direct and indirect influence over the governmental machinery at the district level continues, and has even been reinforced in some ways, in the changed context. The collector has a crucial role in developmental activity in almost all districts (except where the developmental functions have been transferred to Zila Parishads). Again, quite a few patterns can be perceived in the adaptation of district administrative machinery to the new and expanding developmental responsibilities of the Government. The present study attempts to analyse the changes which have taken place in the role of the deputy commissioner in one of the states, namely, the Punjab. It covers the traditional functions of the deputy commissioner (such as, revenue collection and law and order) as well as his developmental responsibilities. The study has both a historical perspective and an operational dimension. The author has devoted a section to the viability of the charge of the deputy commissioner. In this connection he has made a special study of the load of different categories of work (*i.e.*, activity sampling) of deputy commissioners in all the eleven districts of the Punjab State. The study was undertaken as a doctoral thesis under my supervision and it has been vetted by two administrators possessing rich and fruitful experience as District Collectors and wide academic interests, namely Shri R. K. Trivedi, I.A.S., Commissioner, Allahabad Division and Shri T. N. Chaturvedi, I.A.S., Joint Director, National Academy of Administration, Mussoorie. The changes suggested by them have been incorporated by the author. The Institute is grateful

to Shri Trivedi and Shri Chaturvedi for their invaluable professional advice.

In recent years new stresses and strains have developed in the functioning of the institution of the deputy commissioner. Of late, there has been a corrosion of law and order which may have repercussions on the orderly economic and social development. The fluidity of political conditions has increased the complexity of the deputy commissioner's role. Uneven distribution of the gains of development has given rise to new pressures. There has come up an added emphasis on land reforms. The traditional functions of the deputy commissioner are thus no less important today than his developmental role. Even in regard to the latter, problems of sharing of executive authority with other district level officers, of coordination of developmental activity, the revolution of rising expectations and the consequential necessity of better and more efficient gearing of developmental programmes to people's needs, etc., necessitate a fresh look at the deputy commissioner's role. The seventies are likely to be a turbulent decade and may pose a fresh challenge to the institution of the deputy commissioner. All the same, the need for an administrator who has vision and imagination, who is equipped with executive capability of a high order and who can provide coordination, guidance and leadership at the district level is going to be more urgent than what it is today. Dr. Sharma's analysis and findings throw some meaningful reflections on the dimensions of the current problems which the deputy commissioner faces today and they provide a useful base for projection into the deputy commissioner's future role.

J. N. KHOSLA

*Director*

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DECEMBER 27, 1970

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## ACKNOWLEDGEMENT

*Deputy Commissioner in Punjab* is a condensed version of the doctoral thesis accepted by the Punjab University in 1969. While going through the hazards, the author was luckily to have the gracious cooperation and unstinted support from a number of beneficiaries hence a brief mention may not be out of place. My grateful thanks are to Lala Suraj Bhan, M.A. (London), Vice-Chancellor, Punjab University who has always provided a stimulating leadership and encouraging and sympathetic attitude towards all academic efforts and towards this study in particular.

My deep sense of obligation is to my supervisor, Dr. J. N. Khosla for adding foreword and for his inspiring guidance. A dynamic personality with prodigious scholarship and deep insight, the present work would not have been possible without his untiring interest and constant encouragement. Professor B. S. Khanna, Head of the Department of Public Administration, Punjab University, Chandigarh took deep personal interest in the completion and publication of this work. His spilling energy and irrepressible enthusiasm was a source of great enlightenment. Principal P. L. Anand has always showered great affection and accommodated me in more than one way. My deep and sincere gratitude to him in particular.

I am deeply beholden to Prof. G. Mukharji, the new Director of the Indian Institute of Public Administration, for providing me all types of facilities and for his personal interest in my development. Prof. B. S. Narula was good enough to go through most of the chapters, made most valuable suggestions and offered me the benefit of his erudite scholarship and deep insight.

I am deeply indebted to Shri T. N. Chaturvedi, I.A.S., now Chief Secretary, Delhi Administration, for taking extraordinary pains in going through the manuscript and for making most useful suggestions. I shall also be failing in my duty if I do not

place on record my sincere thanks for the officers of the Punjab Government but for whose cooperation, this work would not have been undertaken. I take this opportunity of singling out the Deputy Commissioners of all the districts in Punjab who spared their precious time and for their kind hospitality, free and frank discussions. I must, however, exonerate all well wishers and officials from what follows, for all efforts and statements are my own responsibility. The advice and suggestions of the above elite is a continuing source of guidance and will certainly give me the opportunity of improving the design and ideas as the exchange of experiences continues to grow.

NEW DELHI  
JUNE 1, 1971

SUDESH KUMAR SHARMA

# CONTENTS

	PAGE
FOREWORD	... V
ACKNOWLEDGEMENT	... VII
I INTRODUCTION	... 1
II HISTORICAL PERSPECTIVE	... 9
III ADMINISTRATIVE SET-UP	... 44
IV DIVISIONAL COMMISSIONER	... 67
V DEPUTY COMMISSIONER AS COLLECTOR	... 80
VI DEPUTY COMMISSIONER AS DISTRICT MAGISTRATE	124
VII ROLE IN DEVELOPMENT ADMINISTRATION	... 160
VIII REPRESENTATIVE OF THE GOVERNMENT	... 202
IX MISCELLANEOUS DUTIES	... 247
X VIABILITY OF THE CHARGE OF A DEPUTY COMMISSIONER	258
XI DEPUTY COMMISSIONER IN PROSPECT AND RETROSPECT	290

## APPENDICES

1. INTERVIEW GUIDE/CHECK POINTS	... 313
2. STATEMENT SHOWING THE I.A.S. CADRE FOR THE PUNJAB STRENGTH AS FIXED BY THE GOVERNMENT OF INDIA AS ON 1ST JANUARY OF EACH YEAR	... 322
3. ANNUAL FIGURES OF RECRUITMENT TO I.A.S. FOR PUNJAB FROM DIFFERENT SOURCES	... 324
4. DISTRICT LEVEL OFFICERS WHOSE WORK IS COORDINATED BY THE DEPUTY COMMISSIONER	... 326
5. POSITION OF DEPUTY COMMISSIONER/COLLECTOR IN ZILA PARISHADS IN DIFFERENT STATES OF INDIA	... 328

6. COMPARATIVE STATEMENT OF THE POWERS OF COLLECTORS/DEPUTY COMMISSIONERS IN THE STATE WHERE DIRECTORATES HAVE BEEN SET UP ... 330
7. INSPECTIONS TO BE CARRIED OUT BY DIVISIONAL COMMISSIONER, DEPUTY COMMISSIONERS AND SUB-DIVISIONAL OFFICERS AND THEIR FREQUENCY ... 332
8. LIST OF THE COMMITTEES/CONFERENCES OF WHICH THE DEPUTY COMMISSIONER IS THE CHAIRMAN OR THOSE HE HAS TO CONVENE ... 334
9. FINANCIAL DELEGATION TO THE DEPUTY COMMISSIONER 336

## CHAPTER I

### INTRODUCTION

The district has been the nodal point of the administrative system in India for about two hundred years. It is largely at the district level that all the agencies of government converge and the policies and programmes find a concrete shape. The main points of contact between the citizens and the administration lie in the districts and the usefulness of the administration is considerably determined by the degree of its efficient functioning at the district level. District administration in its recent form was evolved during the British rule. It had a common pattern throughout the country with some differences of detail to suit local conditions and circumstances. To a large extent the district as a unit of government lent an element of unity and stability to the administration in the country. It helped the British to govern the country with a strong hand and to an extent to keep in touch with the opinions and feelings of the local population. The collector was the king-pin of the district administration. He was the chief agent of the government at the district level, head of the police, the magistracy, and the revenue administration and the sole repository in the district of the executive authority of the government.

Since Independence, there has been a phenomenal increase in the activities of the government, particularly in the spheres of welfare and development. Government departments and agencies have also proliferated. The establishment of the parliamentary form of democratic government both at the Centre and in the States, the acceptance of planning as the main instrument to give effect to social and economic goals enshrined in the new Constitution, the spread of education and political awakening and the emergence of popular three-tier institutions of democratic decentralisation have materially altered the framework of the functioning of the collector. These developments

have also affected his functions and role. He continues to be the custodian of law and order, the collector of revenues, the general coordinator, and the person to whom the government mostly turns in emergency of any kind. His responsibilities in the field of development and welfare activities are today usually much larger, but he no longer enjoys the same prestige and status and the same executive and supervisory powers over the district heads of other departments. Political and social changes during the last two decades have, on the one hand, divested his office of the old lustre and high dignity; on the other, they have given it an added significance in the face of turbulent law and order situation, the mounting dissatisfaction of the citizens with the administration, the growing need for a central point in the district to reconcile conflicting economic and other group interests and the more recent political instability in several of the states. The coming up of the panchayati raj institutions has posed new problems and issues, the foremost being the role of the collector in coordination of the development programmes at the district level.

The collector today is exposed to innumerable stresses and strains of his office and presuming that he attends to all his varied and complex functions, he is the most hard pressed official. It is a moot point whether his charge is administratively viable. His responsibilities have not only increased but also grown in complexity and depth. Simultaneously it is widely believed that there has been a lowering of standards in terms of age, experience and administrative talent of the incumbents of this high office. No reform of district administration can be effective or lasting unless the role of the deputy commissioner is properly redefined and this nodal institution is suitably strengthened. The new role of the collector flows essentially from the transition under way from the "minimum" government to the "optimum" government, from the regulatory-cum-revenue administration in a basically feudal and static society to the welfare-oriented democratic set-up, geared to planned economic progress. This study, therefore, aims at assessing the different facets of the present role of the collector in terms of his contemporary functions and new responsibilities. It also attempts to enquire into his relationship with other district officials and the viability of his charge, the scope of the study is dealt with in the fuller



detail later. An attempt has been made to study some major aspects of the role, both as an individual and as an institution.

The present study deals mainly with the working of the institution of the collector in the state of Punjab (both prior to and after its reorganisation in November, 1966). He is generally known as deputy commissioner. The Punjab has certain peculiarities of its own. It consists now, partly of a group of old princely states, most of which had not heard of the deputy commissioner or its prototype and partly of the districts where the British traditions of administration were strongly rooted. The problems posed by the new challenges and demands on the deputy commissioner in different states have a good deal in common. The attempts made by the state governments to meet them, show some differences in approach, particularly, in the matter of the deputy commissioner's role in developmental activities. While the main attention in the study is concentrated on the functioning of the deputy commissioner in the Punjab State, the comparative practice and experience of other states have also been mentioned, wherever, relevant to discussion. It may be useful to have a brief survey of the relevant sources having "bearing on the study".<sup>1</sup>

There is a vast literature available on district administration in British India (Volumes V and VI of the *Cambridge History of India* cover the period up to 1919), but most of it relates to the origin and the evolution of the institution of a district officer. Every district in British India had a *District Gazetteer* which even now serves as an original source material on the particular district concerned. Lively and well written accounts of a few writers who were themselves the district officers are not only readable and entertaining but also throw a good deal of light on the contemporary conditions [(Philip Woodruff, *The Men Who Ruled India : The Founders* (1953) and *The Men Who Ruled India : The Guardians* (1954)]. Those who are keen to pursue in greater detail the development of district administration in the early twentieth century find useful material in the *Report of the Royal Commission upon Decentralisation in India* (1909), *Report of the Royal Commission on the Public Services in India* (1916), *Report on Indian Constitutional Reforms* (1918),

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<sup>1</sup>G.A. Lundberg : *Social Research* (London, 1942), p. 122.

*Report of the Royal Commission on the Superior Civil Services in India* (1924), and *Report of the Indian Statutory Commission* (1930).

Henry Maddick in *Democracy, Decentralisation and Development*, examines the general problems of development and suggests "an approach to institutional and administrative arrangements which is likely to facilitate social and economic advance through popular participation and decentralised activity".<sup>2</sup> The book was very useful for the present study because some portions of it highlight the commonly experienced conditions under which governments seeking development have to operate and also structural and administrative arrangements for the functioning of deconcentrated administration. The articles by W. H. Morris Jones and Norman D. Palmer on India and particularly the style of their books helped the researcher to understand the implications of such questions, can we fashion for ourselves honest government and upright administration ?, what should be the role of an administrator in the changed Indian context ?, etc.

As regards the material on district administration in Independent India, mention can be made of N. B. Desai's *Report on the Administrative Survey of the Surat District* (1958), but after the reorganisation of Bombay State, the book has become outdated. To get a general theoretical knowledge and framework about the district administration, S. S. Khera's book, *District Administration in India*, K. N. V. Shastri's, *Principles of District Administration* are good. A book which cannot be ignored is Dr. Potter's *Government in Rural India* (1964), but unfortunately it is very brief. Another useful study has been made by Frank J. Tysen, *District Administration in Metropolitan Calcutta*.

Two research works, P. N. Narayanan Nair, *The Role of the District Collector in Indian Administration with Special Reference to Madras*, unpublished Ph.D. dissertation. Department of Government, Cornell University, 1956 and Aslam Akhtar Hassan, *The Deputy Commissioner*, unpublished Master's thesis, University of Punjab,<sup>†</sup> Lahore (Pakistan) 1953, might have

<sup>2</sup>Henry Maddick : *Democracy, Decentralisation and Development* (Bombay, 1963), p. 22.

proved useful for the present study but in spite of lengthy correspondence with the respective authorities, nothing tangible came out. The researcher also could not lay his hand on a Ph.D. dissertation entitled *District Administration in India, Dehradun, A Case-Study*<sup>3</sup> by Murray Woldman which was in progress at Michigan University. Some articles of Dr. Haridwar Rai in the Indian Journal of Public Administration on the role of the collector in India which were based on his unpublished Ph.D. thesis on *District Officer in Bihar* (submitted to Patna University) were helpful in a general way.

Gillispie, undertook a survey of collectors on All-India level under the aegis of the Indian Institute of Public Administration in 1962 but he could not complete the project and left India. A few of his findings are available in the office of the Indian School of Public Administration but they are mostly sketchy and empirical. *The Changing Role of the District Officer—Proceedings of a Conference* organised by the Indian Institute of Public Administration at Hyderabad in 1961 and edited by Dr. A. Avasthi were published by the Institute in February 1965. They provide a good insight into the new role of the district officer as against the traditional role of the collector and the magistrate. *Revenue Inspections at the District Level*, another book by the same author gives a comparative view of horizontal and vertical inspections in the states of Madras, Uttar Pradesh and Maharashtra.

The Indian Journal of Public Administration and the Journal of the National Academy of Administration have maintained good standards. Some articles on district administration by senior civil servants do appear, now and then but a special mention be made of the Indian Journal of Public Administration, Special Number on *The Collector in Nineteen Sixties* (July-September, 1965), which though included articles on the role of collectors in other states, did not have any article on the Punjab. Some articles on the role of the collector in developmental administration sometimes appear in Quarterly Journal of the Local Self-Government Institute (Bombay).

There is no literature on the role of deputy commissioner

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<sup>3</sup>See *American Political Science Review*, Vol. LVIII, No. 3, 1963, p. 762.

in the Punjab. E.N. Mangat Rai, *Civil Administration in Punjab* (Harvard University, Occasional Papers) has made reference to the position of deputy commissioner here and there but it deals primarily with the civil services. The articles which appear in some of the Journals deal with the role of the collector in a general way so they serve no guide to the public administrator or to the public or to any research student. Mention must be made of *The Report on Reorganization of District Administration* (Fletcher Committee Report, 1953) and *Report of the Punjab Administrative Reforms Commission* (1966), while, the former dealt with the procedures which should be adopted to cut official delay and inefficiency, the latter touched the district administration, just in a casual way. The present study is mainly based on various Acts, Rules, Regulations and Executive Instructions of the Punjab Government and of the Central Government relevant to the subject.

In determining the scope of the study, it is impossible in any one study to go meaningfully through the whole gamut of district administration, i.e., the sum total of the functioning of all departments in all their aspects in the districts down to the lowest level. The role of the deputy commissioner is so wide that it touches the functioning of every department. It was, therefore, felt necessary to select the most important facets of his role and to conduct an enquiry thereon keeping in mind the total perspective. An explicit explanation of the "Field covered in the present study may be helpful".<sup>4</sup>

The concept of district administration has been used in a restricted and narrow sense in which it is intended to mean the organisation headed by the deputy commissioner. The varied developmental functions of the departments not headed by the deputy commissioner at the district level and below, have now assumed importance and the functions are interdependent, so reference to them wherever necessary has been made, and at places some detailed discussion has been included about some of them depending upon the requirements of each case.

The following aspects of the deputy commissioner's functions as well as broad issues connected with them like how

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<sup>4</sup>Goode and Hatt : *Methods in Social Research* (New York, 1952), p. 371.

11	1,184	352	253	100	JULLUNDER	
9	1,173	302	210	92	AMRITSAR	
5	859	295	211	84	LUDHIANA	
11	1,500	284	228	56	GURDASPUR	
7	836	225	185	40	RUPAR	
8	1,552	220	196	24	HOSHIARPUR	
14	1,518	207	152	55	PATIALA	
4	525	206	159	47	KAPURTHALA	
12	709	187	152	35	SANGRUR	
14	1,426	161	128	35	FEROZEPUR	
14	665	153	120	33	BHATINDA	

exactly has the role of a deputy commissioner changed and what are the factors contributing to that change, etc., have been included.

Deputy commissioner :

1. as the head of the district office and revenue machinery;
2. as the district magistrate;
3. as representative of the government;
4. in relation to development departments and other executive departments;  
and in particular his role in
5. planning and agriculture;
6. relationships with panchayati raj institutions;  
community development and urban local bodies;
7. listening to public and other grievances
8. emergency;
9. protocol work;
10. viability of his charge; and
11. other activities.

## CHAPTER II

### HISTORICAL PERSPECTIVE

From the study of Vedic literature, the Sutras, the Epics and the Jatakas, the political organisation of the aryan tribes appears to be a democracy based upon an organisation in which a number of villages were generally federated for purposes of mutual protection under the rule of a 'Raja' or a King, sometimes elected and sometimes hereditary, who though vested with supreme authority was subject to aryan common law and tradition. The State mainly depended for existence upon the collection of regular taxes usually called "Bali"<sup>1</sup> and the tributes which were exacted by the king from his conquered enemies.<sup>2</sup> It came to be an universally acknowledged principle that the King or Raja or Chief of a territory had a right to a share in the produce of all cultivated land. With the passage of time this revenue came to be no longer taken in kind, but in the form of a money payment, made at certain seasons when the harvests had been realised.<sup>3</sup> Manu says : "Let him (king) appoint a lord over (each) village, as well as lords of ten villages, lords of twenty, lords of a hundred, and lords of a thousand."<sup>4</sup>

In *Arthashastra*, the kingdom was split up into smaller divisions and divisions into villages. The unit of financial administration was a group of five or ten villages and every such unit was under the charge of the 'Gopa' who looked after

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<sup>1</sup>U.N. Ghoshal : *Contributions to the History of the Hindu Revenue System* (University of Calcutta, 1929), pp. 9-10 of C.P. Bhambhari: *Substance of Hindu Polity*, Meerut, 1959, pp. 100-110. Also K.P. Jayaswal : *Hindu Polity*, Bangalore, 1955, pp. 324-325.

<sup>2</sup>The great principle emphasized was, "The king should milk his kingdom like a bee gathering honey from the plants" or "he should act like the keeper of a cow who draws milk from her without boring her udders and without starving the calf." P.C. Roy : *Mahabharata* XII, English Translation Vol. VIII (Calcutta, 1919-24), 88.4.

<sup>3</sup>B.H. Baden-Powell : *The Land Systems of British India*, Vol. I (Oxford, 1892), p. 242.

<sup>4</sup>Emax Muller : *Laws of Manu, Sacred Books of the East*, Chapter VII, English Translation, 116.

the accounts as ordered by the Collector General (Samaharta). The Collector General attended to the collection of revenue from forts (*durga*), country parts (*rashtra*), mines (*khani*), buildings and gardens (*setu*), forests (*vana*), herds of cattle (*vraja*), and roads of traffic (*vanikpatha*).<sup>5</sup> Superior to the Gopa was the *Sthanika* or district officer who attended to the accounts of the district.<sup>6</sup> Under the Mauryans, "*Rajjukas*"<sup>7</sup> held sway over "many hundred thousands of souls" and "either rewards or punishments" were left to their discretion. They worked in a judicial capacity as well as being revenue administrators. The conflicts,<sup>8</sup> brought to them mainly dealt with agricultural problems, assessment, remission of taxes, land disputes, water disputes, grazing disputes between cultivators and herdsmen, and quarrels amongst village artisans. The system of revenue

<sup>5</sup>R. Shamasastri : *Arthashastra*, Book II, English Translation (Mysore, 1956), Chapter VII, Line XXXV. Also "Having divided the kingdom (*Janapada*) into four districts, and having also sub-divided the villages (*grama*) as of first middle and lowest rank, he shall bring them under one or another of the following heads. Villages that are exempted from taxation (*pari-haraka*) ; those that supply soldiers (*ayudhiya*); those that pay their taxes in the form of grains, cattle, gold (*hiranya*), or raw material (*kappa*) and those that supply free labour (*Vishiti*), and dairy produce in lieu of taxes (*kara-pratikara*). It is the duty of 'Gopa', village accountant, to attend to the accounts of five or ten villages, as ordered by the collector-General, *Ibid.*, Chapter XXXVI, p. 142.

<sup>6</sup>M.H. Gopal : *Mauryan Public Finance* (London, 1935), pp. 202. Also A.L. Basham : *The Wonder that was India* (London, 1956). For the full discussion of historical survey before the Mughal period, refer to Dr. B.N. Puri, "District Administration in India—A General and Historical Survey", *Journal of the National Academy of Administration*, Mussoorie, July, 1964 issue, pp. 31-36.

<sup>7</sup>Rajjukas to be officers in charge of such subjects as "Survey, Land Settlement and Irrigation", as suggested by the title itself (*Rajjughrahakas*—land measures as used in Pali works ; *Cambridge History of India*, 1953, pp. 487, 508. An entire pillar edict IV is devoted to the work of the rajjukas written in 243 B.C. about the duties of the Rajjukas. It says : "Just as a person feels confident after having entrusted his child to an experienced nurse and thinks", "The expert nurse is able to bring up my child well", even so I have appointed the Rajjukas for the welfare and happiness of the country people...Translated by Publication Division, Government of India, 1956. Prof. Mookerji thinks that the Rajjukas were Provincial Governors Proper, *Ashoka* (Delhi 1955), pp. 53, 56. From the variety and importance of the functions with which they were charged they appear to have been, as suggested by Dr. Ray Chaudhury, the officers whom the Greek writer Strabo has called the Agronomoi (*Political History*, p. 263). A Rajjukas appears to have been an officer like the magistrate and collector of a modern Indian district. (*Hult*, CII, L, Woolner, A.T.C. II, 127, Bhandarkar, *Ashoka* (Calcutta, 1955), pp. 59-60.

<sup>8</sup>Romila Thapar : *Ashoka and the Decline of the Mauryas* (London, 1961), p. 108. cf. A.S. Altekar : *State and Government in Ancient India* (Banaras, 1949), p. 322.



administration described in the *Arthashastra* and apparently followed at least in broad outlines during the Mauryan period, was in part perpetuated in the regions of Northern and Western India during the "Scythian" period.<sup>9</sup>

During the Gupta period, for the first time in history we hear of the term (*Bhukkti*) which corresponds to a modern commissioner's division consisting of several districts, and the (*Visava*) which corresponds to the Mughal (*Cakta*) or the present district.<sup>10</sup> The *Vishvapati*, the district officer was responsible for administering the state business in the district<sup>11</sup> as also for collecting taxes and revenues, his appointment required the sanction of His Majesty.<sup>12</sup> In order to maintain law and order the *Vishvapatis* commanded a small military force.<sup>13</sup>

We have traces in parts of India both of the ancient districts and of the officers who presided over them still remembered in later Hindu dialects as "*Sirdasmukh*" (Chief head of a district).<sup>14</sup> The most generally used and popular division was that which was smaller than a district and comprised the charge of 84 villages or a similar group known as *Paraganas*.<sup>15</sup> It was always adopted by the Mughal system<sup>16</sup> and the same division was known

<sup>9</sup>The period following the downfall of the Maurya Empire and preceding the rise of the Imperial Guptas. The term "Scythian" is used in a broad sense so as to include the "Yueh-Chi" as well.

<sup>10</sup>R.D. Banerji : *The Age of the Imperial Guptas* (Bombay, 1933), p. 71.

<sup>11</sup>S.K. Maity : *Economic Life of Northern India in the Gupta Period* (Calcutta, 1957), p. 49. Also for full length discussion, D.N. Jha : *Revenue System in post-Maurya and Gupta Times* (Calcutta 1967), Chapters IV and XII

<sup>12</sup>R. Basak : *The History of North-Eastern India* (Calcutta, 1934), p. 55.

<sup>13</sup>*Yuktas ayuktas, niy-utas and Vyapritas* were members of the subordinate revenue staff. Some of them were known as 'Gopas' in the Mauryan Age (*Arthashastra* BK 11 Chapter 36) and as *dhruvas* in Gujarat in the post-Gupta period (C.I. 1.111. p. 105). A.S. Altekar : *op. cit.*, p. 208. Also Gupta kings believed that "the Government should be lenient at the time of assessment of the land revenue but should be very strict at the time of its collection". O.P.S. Bhatia : *The Imperial Guptas* (Delhi, 1962), p. 348.

<sup>14</sup>They are variously called Patel, Mandal, Desai, Deshmukh, Mahajana, Lambardar and Mukaddam (the last two being very common in the Punjab). cf. A.L. Basham : *op. cit.*, p. 103.

<sup>15</sup>cf. S. Krishnaswami Aiyangar : *Evolution of Hindu Administrative Institutions in South India* (Madras, 1931), pp. 250-1.

<sup>16</sup>B.H. Baden-Powell : *op. cit.*, p. 254.

by the Marathas and the Sikhs as *Taluka*.<sup>17</sup> A virile community life appears to have been a feature of the period and inscriptions suggest that good relations between the kings' officers and the village head men were common.<sup>18</sup>

Under the Delhi Sultanate, the provinces were divided into Shiqs under Shiqdars. Sher Shah gave a new system by dividing the empire into sarkars and sarkars into paraganas. To each paragana he appointed an amir *responsible* for the general administration, or Shiqdar, his assistant, who supervised collection of revenue.<sup>19</sup> To each sarkar or revenue district, was appointed a Chief Shiqdar and a Chief Munsif whose duty was to protect the cultivators against oppression.<sup>20</sup>

During the Mughal Period the collection of revenue was vested in an officer called Amil or Amalquzar. He exercised a certain degree of judicial authority in the settlement of disputed claims and performed certain functions relating to law and order. He did not hold a dominant position because similar functions were also assigned to the Zamindar. The head of the district was Faujdar, a military officer under the direct supervision of Subedar (Governor).<sup>21</sup> The might and majesty of the government belonged to the Faujdar; who could report to the Central Government for help in times of emergency. The author of the *Seir Mutaqherin* says that "in cases of emergency the Nazim (Provincial Governor) or ultimately the Emperor himself sent troops under his general or royal princes who came to the help of the Faujdar on information being sent for the same and law and order maintained."<sup>22</sup> A Zamindar, though enjoying

<sup>17</sup>This was the Arabic word '*ta' alluova*', but later adopted as a Hindu word in the form *taluka*. Pathaka, Peta, *Sthali*, *Kharvataka*, *Dronamukha* were different names in different provinces.

<sup>18</sup>W.H. Moreland and A.C. Chatterjee : *A Short History of India* (London, 1953), p. 121.

<sup>19</sup>Sir Wolseley Haig, *Sher Shah and the Sur Dynasty, The Cambridge History of India*, Vol. IV, ed. Sir Richard Burn, p. 56. Also S.M. Edwardes and H.D.O. Garrat, *Mughal Rule in India* (Delhi, 1959), p. 160.

<sup>20</sup>N.C. Roy : *The Civil Service in India*, 1958, p. 120. Also Sri Ram Sharma : *Mughal Government and Administration*, 1951, p. 251.

<sup>21</sup>A.L. Srivastava : *A Short History of Akbar the Great*, 1957, p. 84. Also cf. H.K. Trevasakis, *Indian Babel*, Frederick Muller, 1935, p. 74 and B.H. Baden Powell, *op. cit.*, p. 264. cf. B.B. Misra : *The Central Administration of the East India Company*, 1959, p. 154.

<sup>22</sup>Saiyid Ghulam Hussain Khan, *Seir Mutaqherin* (English Translation), Vol. III, Calcutta, pp. 178-79.

ancillary powers was important, yet the superintendence of a district was the responsibility of the Faujdar. For preserving the peace of the country, and controlling the Zamindars, the immediate authority was the Faujdar, "who was the representative of the Nazim, and to him the people looked up for justice and protection against their chiefs".<sup>23</sup>

The Mughals gave utmost importance to two functions, the collection of revenue and the maintenance of law and order. The local community which "was the product of the soil" was associated with both of these functions but the whole system was based on custom and consensus, without any legal sanction behind it. The relations between the official and the non-official organs were cordial and the system worked well as long as the Central Government of the Mughals remained intact. There was the fusion of the local knowledge and influence represented by the non-officials on one side and the authority exercised by the government officials on the other.

In the process of the collapse of the Mughal Empire, the political instability and disintegration of the administration separated the functions of law and order and the collection of revenue. Under the later Mughals, the Faujdars were invested with revenue functions. The collection of revenue became the only concern of the government and those who paid the revenues also exercised judicial functions. The man on the spot grabbed all the authority and facilitated the work of centralization to be carried on by centrally appointed professional covenanted civilians.<sup>24</sup>

It was in this state that East India Company acquired the Zamindari rights in respect of three towns of Sultanate,

<sup>23</sup>G.W. Forrest : *Selections from the State Papers of the Governor General, Warren Hastings*, Vol. II (Oxford, 1910), p. 454.

<sup>24</sup>Richard W. Gabbala : *District Administration : Its Development and Its Challenges*. Inayatullah : *District Administration in West Pakistan* (Peshawar, 1963), pp. 2-3. Also refer Political Studies, Vol. X, No. 1, 1962, p. 48 and E. Barker : *The Development of Public Services in Western Europe* (London, 1945), p. 10. "If the Civil administration was the first to suffer from its extortions, the military and diplomatic fortunes of the Mughal empire were bound to suffer in the end. And by the closing years of Aurangzeb's reign that ultimate stage had already arrived." M. Athar Ali : *The Mughal Nobility Under Aurangzeb* (Bombay, 1966), p. 153. Also cf. Philip Woodruff : "The Men Who Ruled India"; *The Guardian* (London, 1953), p. 17.

Calcutta and Govindpur in July 1698.<sup>25</sup> The company had to appoint "Collector of Rent and Revenue" to control the proceeds of these towns who also acted as a magistrate of police and held courts to try petty offences and cases of revenue disputes.<sup>26</sup> The company became 'both the collectors and proprietors'<sup>27</sup> and practically 'the sovereign of a rich and potent kingdom'.<sup>28</sup> This provided the servants of the company the chance to know the native revenue and judicial administration. The settlement at Fort William became a 'miniature empire'<sup>29</sup> and Nawabs were shorn off all authority and prestige.

The servants of the company became monopolists of the secret internal trade. When Lord Clive arrived in India, he discovered the springs of government clogged by indiscipline and corruption.<sup>30</sup> He checked these maladies by evolving dual system—assigning Nawab's followers the task of collection of revenues and making Nawab the ostensible source of power, though gradually he became a mere stipend-enjoying figure-head—a pensioner of State, a rubber stamp for the use of the company's agents<sup>31</sup> treated with outward respect but only

<sup>25</sup>Nawab Azim-ush-Shan, grandson of Emperor Aurangzeb, granted the Zamindari of these towns in return for the payment of a lump sum of Rs. 1200 as estimated revenue. K.K. Datta (Ed.) : *Fort William-India House Correspondence*, pp. 24-25.

<sup>26</sup>W.K. Feeminger : *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company*, Vol. I (Calcutta, 1812), p. XIX.

<sup>27</sup>Refer Proceedings, *Select Committee, Fort William*, 5th Oct., 1765 ; also see the Supplement dated 1st Oct., 1765.

<sup>28</sup>H.N. Sinha (Ed.) : *Fort William-India House Correspondence*, Vol. II (1857-59). Also refer Percival Griffiths : *British Impact on India* (London, 1952), p. 159.

<sup>29</sup>D.N. Banerjee : *Early Administrative System of the East India Company in Bengal (1765-1774)*, Vol. I (London, 1943), pp. 53-55.

<sup>30</sup>Alfred Lyall : *The Rise and Expansion of the British Dominion in India* (London, 1952), p.31. Also refer P.E. Roberts (Ed.): *Histroy of British India under the Company and the Crown*, pp. 149-50 and John Malcolm : *The Life of Lord Robert Clive*, Vol. II (London, 1836), p. 322. "The essential weakness of that system in the new circumstances was the practice of allowing them to supplement their pay by private trade." Clive's Administrative Settlement in H. Dobwell : *Dupleix and Clive*, The Cambridge History of India, p. 274. Also refer Sophia Weitzman : *Warren Hastings and Philip Francis* (Manchester, 1929), p. 2.

<sup>31</sup>J.H. Harington : *An analysis of the Laws and Regulations enacted by the Governor-General in Council at Fort William, etc.*, Vol. I (Calcutta, 1814-15), p. 4.

as a pageant.<sup>32</sup> It led to further confusion which necessitated the select committee to appoint a number of supervisors<sup>33</sup> for the complete administrative control of Bengal.<sup>34</sup> The supervisors being alien the conflict between them and the native officers of revenue and justice became inevitable. The Court of Directors determined to "stand forth as diwan" and nominated the supervisors as collectors vesting them with the executive powers of management and collection of revenue in addition to their power of enquiry and investigation.<sup>35</sup> The regulations of 14th May, 1772 (Warren Hastings) made district the unit of judicial administration and provided for the appointment of collectors in every district.<sup>36</sup> The administration of justice was entrusted to the collector and two courts—the Diwani Adalat and the Faujdari Adalat, were set up. The collectors became tyrannical<sup>37</sup> and an eyesore to the Zamindars who as a class was made subservient because of the superimposition of the collector over their heads. With the appointment of highly paid collectors, there was increase in expenditure without a corresponding increase in the collections.<sup>38</sup> The arrangement did not function well and under orders from the Court of Directors, the Governor-General in Council recalled the collectors from the districts in January, 1774, and Board of Revenue was

<sup>32</sup>D.N. Banerjee : *op. cit.*, p. 89.

<sup>33</sup>On 16th of August, 1769, the Select Committee passed the Resolution "In every province or district, a gentleman in the service be appointed, with or without assistance, in proportion to the extent of the district, whose officer or department is to be subordinate to the resident at the Darbar."

<sup>34</sup>For the instrument of instructions regarding the duties of the Supervisors refer Henry Verelst : *A View of the Rise, Progress and Present State of the English Government in Bengal* (London, 1772), pp. 227-239.

<sup>35</sup>Refer A.T. Embrie : *Charles Grant and British Rule in India* (London, 1962), pp. 34-36 and A.K. Ghosal : *Civil Service in India under the East India Company* (Calcutta, 1944), p. 114. The supervisors shunned appearance of pomp and parade but in practice they became "sovereigns, heavy rulers of the people". Keith Feiling : *Warren Hastings* (London, 1955), p. 96. Also Harriet Martineau : *British Rule in India* (London, 1857), p. 123.

<sup>36</sup>G.R. Gleig : *Memoirs of the Life of the Right Honourable Warren Hastings*, Vol. II (London, 1841), p. 30. These collectors were later embryonic district officers. E. Thompson and G.T. Garret : *Rise and Fulfilment of British Rule in India* (Allahabad, 1954), p. 110.

<sup>37</sup>He (Warren Hastings) had always considered the collectors as tyrants, he thought that under the Provincial Councils 'reach division would be liable to become a separate tyranny of the most 'absolute kind'. Penderal Moon : *Warren Hastings and British India* (London, 1947), p. 99.

<sup>38</sup>B.B. Misra : *op cit.*, p. 178.

created at Calcutta. There was the dislocation of authority and the collectors had to be brought back but comparatively with much reduced authority. The tale of experiment and confusion came to an end on 13th January, 1782, when John Shore<sup>39</sup> restored the power of the collector combining in him the duties and powers as were under the Mughals exercised by the Amalguzar, the Faujdar and the officers of justice taken together.<sup>40</sup> In 1786-87, the administration of revenue, civil justice and magistracy were united in the office of the collector<sup>41</sup> which brought simplicity and efficiency.<sup>42</sup>

The transfer of powers from the district judges to the collector started in 1794 and "to this day" remarks Baden-Powell, "the district staff, the collector and his assistants—by whatever other titles they may be locally known, exist on the model and with many of the characteristics, of the original institution".<sup>43</sup> The regulation V of Bengal Code 1812 made it obligatory on the part of the Zila or City Judge to refer all such cases to the collector for enquiry and report. The directors of the company felt convinced that the difficulties found in administering criminal justice and regulation of police can only be removed if more powers are given to the collectors.<sup>44</sup> Regulation IV of Bengal Code of 1821 empowered the government to give maximum powers to the collector. More serious breaches of the peace were generally connected with disputes regarding lands so the combination of magisterial and revenue functions in the person of the collector became obligatory.<sup>45</sup>

<sup>39</sup>The First President of the Board of Revenue and later Governor General in 1793.

<sup>40</sup>Bengal Revenue Consultations, 18th May, 1785, pp. 393-400.

<sup>41</sup>J.E. Colebrooke : Supplement to the Digest of Regulations and Laws enacted by the Governor General in Council anterior to the year 1793, Vol. III, pp. 351-54.

<sup>42</sup>L.M. Penson calls it the "Culmination of Powers" *The Cambridge History of India*, Vol. V, *op. cit.*, p. 444.

<sup>43</sup>B.H. Baden-Powell, *op. cit.*, p. 389.

<sup>44</sup>For the despatch of the 9th November, see Parliamentary Papers 1819, Vol. XIII, p. 518. Also refer K.N.V. Sastri : *The Munro System of British Statesmanship in India* (Mysore, 1939), pp. B (10).

<sup>45</sup>Even in this period there was some opposition to reverse the Cornwallis system of administration. Butterworth Bayley and J.H. Harrington in 1927 proposed that a permanent system of district administration should envisage, "Three separate and district officials, the district judge, the magistrate and the collector". *Parliamentary Papers*, 183-32, Vol. XII, p. 235.

Cornwallis being a wig<sup>46</sup> looked with disfavour this centralisation of authority in one officer yet in practice the collector retained his independence.<sup>47</sup> For safeguarding the interests of Indians from oppression,<sup>48</sup> authoritarianism and tradition of oriental government, he divested the collector of his judicial and magisterial functions<sup>49</sup> and handed them over to the newly created office of the district judge and magistrate. The collector was subjected to an increasing degree of control from Calcutta and became only a fiscal agent without any political or magisterial authority.<sup>50</sup> There was a lot of accumulation of cases and files on the judges' tables that it was virtually a denial of justice.<sup>51</sup>

When Bentick arrived he did not subscribe to the scheme of Cornwallis as the Provincial Courts of Justice to his mind could not achieve accessibility and cheapness. He favoured the scheme of divisional commissioners on the analogy of Munro's system of collectors and sub-collectors which was prevalent in Bombay, N.W.F.P. and Madras.<sup>52</sup> The Munro school

<sup>46</sup>Wigs believe that political power is corrupt and inevitably abused and that power must be reduced to minimum and kept divided and counter-balanced. Also refer Charles Ross (Ed.) : *Correspondence of Charles, First Marquis Cornwallis*, Vol. I (London, 1859), p. 554.

<sup>47</sup>L.M. Penson : *The Bengal Administration System, 1786-1818, Cambridge History of British Empire*, Vol. IV (London, 1929), p. 452. Prof. Aspinall says, "In the time of Cornwallis, the District Officer enjoyed greater authority than the Collector today, for until 1793 his powers were very inadequately limited by Government Regulations, there were no telegraphs nor railways to bring him effectively under the control of the central executive, the specialisation of function which came to be so important a feature of British administration had not begun; and Local Self-Government through the agency of municipal councils and District Boards which have limited the collector's responsibility and weakened his authority were then unknown." *Cornwallis in Bengal* (Manchester, 1931), p. 133. Also refer W.S. Seton-Karr : *The Marquess Cornwallis* (Oxford, 1890), p. 90.

<sup>48</sup>L.M. Penson : *op. cit.*, p. 453.

<sup>49</sup>Preamble to Regulation 11 of Bengal code of 1793 which deals with Cornwallis's conception of district administration. Also G.D. Oswald : *Sketches of Rules of India*, Vol. III (Oxford, 1908), para 5.

<sup>50</sup>M.N. Gupta : *Land System of Bengal* (Calcutta, 1940), p. 144. Also see Vincent A. Smith : *The Oxford History of India* (Oxford, 1923), p. 596. R. Carstairs says, "The collector loomed like fate in the background and was a little heeded in everyday life." *The Little World of an Indian District Officer* (London, 1912), p. 19.

<sup>51</sup>F. John Shore : *Notes on Indian Affairs*, Vol. I (London, 1837), p. 478. Also George Chesney : *Indian Polity : A View of the System of Administration in India* (London 1870), p. 177.

<sup>52</sup>*Parliamentary Papers* (1831-32), Vol. XII, p. 385.

favoured the patriarchal system of district administration in which the collector enjoyed comprehensive powers. The new scheme of Commissioners of Revenue and Circuit was given effect to by Regulation 1 of 1829.<sup>53</sup> Section 2 of Regulation 1 of 1829 said, "To place the magistracy and police, the collectors and other executive revenue officers under the superintendence and control of Commissioners of Revenue and Circuit, each vested with the charge of such moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions, to confide to the said commissioner the powers now vested in the Courts of Circuits together with those that belong to the Board of Revenue." It would have been a heavy charge for one officer to bear so the Governor-General in Council was empowered to invest<sup>54</sup> by an order in Council, the judges of zilas or cities with full powers to conduct the duties of the Sessions. In 1830, many of the collectors of land revenue in Deccan were military men who performed their duties quite satisfactorily.<sup>55</sup>

Macaulay arrived on the Indian scene as law member in June 1834 and did not like the combination of functions<sup>56</sup> and favoured the abolition of the post of the commissioner and also wanted to deprive the collector of the office of the magistrate. Authority in 1837 was given to Lord Auckland to use his discretion to separate the offices of collector and magistrate in Bengal whenever necessary and by 1845, the separation was complete in all the districts of the Bengal Presidency, except the three districts of Orissa.<sup>57</sup> The Police Committee Report (1838)

<sup>53</sup>The Preamble to the Regulation mentioned the following reasons in justification, "The System in operation for superintending the magistracy and the police and for controlling the executive revenue officers, who in several cases were also magistrates, has been found to be effective, etc."

<sup>54</sup>Resolution VII of 1831.

<sup>55</sup>H.T. Lambrick : *John Jacob of Jacobabad* (London, 1960), p. 13.

<sup>56</sup>C.D. Dharkar (ed.) : *Lord Macaulay's Legislative Minutes*, Macaulay's Minutes of the 10th July, 1837 (Madras, 1946), p. 248.

<sup>57</sup>The revenue magistrate's duties could not be carried on efficiently. cf. Report of the Salaries Commission appointed by the Government of Bengal to revise the salaries of Ministerial officers and to reorganise the system of business in Executive Officers, 1885-86, p. 14.



by a majority vote also favoured the split of the offices of the magistrate and the collector.<sup>58</sup>

The year 1849 is a landmark in modern Indian history. The Sikh rule came to an end in the Punjab and British Government took upon itself the task of reconstructing the administrative machinery which had suffered laxity since the death of Maharaja Ranjit Singh.

The annexation of the Punjab in 1849 presented an administrative problem of great magnitude. Being inhabited by sturdy warlike people, it had to be pacified and provided with the elements of a well-regulated order. The administration of the Punjab, after annexation was entrusted to a body of "pioneers".<sup>59</sup> Lord Dalhousie himself organised a group of picked men drawn partly from the civil service and partly from the army, which was given the collective name of the Punjab Commission—a name by which the members of the administrative service serving in the Punjab cadre are called to this day. The intention was "to constitute an executive partly of civilians and partly of soldiers upon a mixed system into which the spirit of Regulations is infused in such a manner as to cause it to harmony and blend itself with all that is good in the spirit of the native institutions."<sup>60</sup> The total strength of this commission was sixty, half of whom were men experienced in administrative processes, inspired by spirit of service and loyalty, prompt in decision and action and not, impaired by age.

This small *corps d' elite* was able in putting out organised dacoity, in restoring law and order in what was previously a wild, anarchic and desolate land and in retrenching and

<sup>58</sup>Police Committee under the chairmanship of R.M. Bird was set up by Lord Auckland and it submitted its report in 1838. Sir Frederick Halliday afterwards the First Lieutenant Governor of Bengal submitted a note of dissent. *Report of the Police Committee*, Calcutta, 1838, Appendix 1, p. XX. His proposal was to take away the judicial from the executive police functions of the magistrate.

<sup>59</sup>The 'Pioneers' was a pattern of administration which was evolved during Lord Wellesely's time; who had created a corps of specially talented officers whom he entrusted with the pioneering task of settling newly conquered areas making political adjustments, restoring law and order and establishing confidence in the people. These officers were selected from the civil service as well as from the army. Munro, Molcolm Elphinstone, Metcalf and the two Lawrence Brothers belonged to this group.

<sup>60</sup>Sir J.W. Kaye : *The History of the Sepoy War in India 1857-58*, Vol. I (London, 1870), p. 433.

rehabilitating the vast Sikh soldiery. The district officer was responsible for the maintenance of law and order, assessment and collection of land revenue, administration of justice, construction and maintenance of roads, etc. He was also called upon to conduct diplomatic affairs with the tribal chieftains and for leading punitive expeditions. The system of concentration of authority and responsibility in the district officer was the joint work of the two Lawrence Brothers—one a spirited soldier and the other a seasoned civilian.<sup>61</sup>

In the Punjab, although the Sind model was not followed and the civil services supplied at least half the corps of administrators, the type of government, in essence, was despotic. The administrative and judicial powers were kept united in the hands of individual officers who were organised into a closely disciplined and graded hierarchy.<sup>62</sup> The Punjab was divided into divisions and districts, each under a commissioner and a deputy commissioner respectively.<sup>63</sup> The district was made small enough for the district officer to get a complete picture of its area and people. The commissioner was given vast powers and he performed the same supervisory functions over the deputy commissioners as his counterpart performed in the Regulation Provinces except in that Dalhousie's instructions were that, "he should be required to exercise a stricter supervision and control over the deputy commissioner, than would be necessary where a regular routine of business was well established and understood".<sup>64</sup>

Lawrence Brothers could not pull together for long. In 1853, matters reached to the boiling point, meanwhile, the

<sup>61</sup>L.S.S. O'Malley : *The Indian Civil Service* (1901-1930) (London 1965), p. 57.

<sup>62</sup>Eric Stokes: *The English Utilitarians and India* (Oxford, 1959), p. 243.

<sup>63</sup>Punjab was divided into seven divisions each under the charge of a Commissioner, with headquarters at Ambala, Jullundur, Amritsar, Lahore, Multan, Rawalpindi and Leiah (Derajat), embracing 24 districts. The three additional districts of Peshawar, Kohat and Hazara, at first administered under the direct control of Board of Administration, were formed into an eight division about the year 1850. In February 1858 the divisions of Delhi and Hissar were formally incorporated in the province of the Punjab adding 6 to the 27 original districts. The Thanesar district, however, was broken up in 1862, and divided between Ambala and Karnal. The division of the Punjab into ten divisions and 32 districts continued till 1875.

<sup>64</sup>Proceedings of the Public Service Commission (Aitchison) 1887-88, Vol. I, Proceedings relating to the Punjab (Calcutta, 1837), p. 33.

purpose for which the Board of Administration had been established was over. The Board of Administration was dissolved and all the powers were vested in the hands of one man designated as chief commissioner.<sup>65</sup> The designation was changed to Lieutenant Governor in 1859 when the Punjab was raised to the full status of a Province. After some years, the two offices were disunited but in 1859, the offices of magistrate and collector were reunited and the collector was authorised under the Criminal Procedure Code to have control over the district superintendent of police.<sup>66</sup> The deputy commissioner became the sole head of the district and was practically a local governor, exercising a wide range superintendence over his district and regarded by the people as their helper and ruler.<sup>67</sup> This officer was not to be "a distant and awful figure presiding in his cutchery like a deity in his temple, but a familiar lord visiting and speaking with them of their quarrels and their crops, and looked up to as father and mother".<sup>68</sup> Such a power as that which collectors had over the people in India was not found in any other part of the world possessed by any class of functionaries.<sup>69</sup>

Lord Ellenborough and Lord Dalhousie were more concerned with imperial expansion and consolidation of administration. Lord Ellenborough replaced the covenanted civil servants of the company by officers selected from the army.<sup>70</sup> The collector-magistrate was practically local governor in Bombay, Madras and North Western Provinces combining both the offices,<sup>71</sup> but in Bengal and Bihar the collector had only

<sup>65</sup> John Lawrence was made the chief commissioner of the Punjab.

<sup>66</sup> Lord Stanley, the Secretary of State for India in his despatch of April 14, 1859 directed "that the offices of magistrate and collector where now disunited in Bengal, should be combined in the same person, and that such of the covenanted officers as are now magistrates, and are not absorbed in the higher office, should be employed as joint magistrates and deputy collectors, but without any decrease of salary; and that the joint magistrate in each district should ordinarily have the superintendence of the policy under the general control of the magistrate".

<sup>67</sup> H.H. Dodwell (Ed.) : *The Cambridge History of India*, Vol VI (Delhi, 1951), p. 24.

<sup>68</sup> Eric Stokes : *op. cit.*, p. 21.

<sup>69</sup> Macaulay's speech in House of Commons, *Parliamentary Debates*, 3rd Series (XXVIII June 24, 1853, Col. 745-746).

<sup>70</sup> Richard Temple : *Men and Events of My Time in India* (London, 1882), pp. 24-25. Also refer L.S.S. O'Malley : *op. cit.*, pp. 51-52.

<sup>71</sup> H.V. Lovett : "District Administration in Bengal 1818-58", *Cambridge History of the British Empire*, Vol. V, p. 29.

supervisory authority. Lord Dalhousie realized that the separation of the two offices was an error.<sup>72</sup> To him, the remedy lay in reuniting both the offices.<sup>73</sup> Lord Canning believed with Dalhousie that the division of authority was to be avoided rather than sought.<sup>74</sup> The armed insurrection against foreign rule of 1857 resulted in speedy implementation of paternalistic administration. The Punjab remained loyal to the British and the Punjab system with collectors as head of the district helped in stemming and hurling back the tide of revolt.<sup>75</sup> The suddenness of the outbreak of disturbances in Bengal and Bihar proved that the Cornwallis scheme would not work well. As soon as calm was restored, the two offices of collector and magistrate were reunited in provinces where Cornwallis system prevailed. The collector-magistrate became the head of the district in 1859 and this conception remained basically unaltered until the country attained Independence. In the Punjab, the collector was known as deputy commissioner and combined in his office not only revenue and magisterial functions but the duties of civil as well as criminal judge also, without being subject to a separate judiciary in the district.

After mutiny, next fifty years were peaceful. In the course of time new departments were set up like Excise, Jails, Sanitation, Land Records, Education. Police and Public Works Departments were already in existence and with the extension of communication facilities, the collector had to establish contacts with the heads of these departments. Now there was multiplicity of command; the collector who had earlier only one master in the commissioner was now 'menaced' by a variety of masters.<sup>76</sup> The exigencies of recurrent famine threw up a serious challenge. Now was a time to review the district administration

<sup>72</sup>C.E. Buckland : *Bengal Under the Lieutenant Governors from 1854 to 1898*, Vol. I (Calcutta, 1902), p. xxi. Lord Dalhousie accepted the views of Cecil Beadon, and of such personalities as Munro, Elphinstone and others regarding executive officer as head of the district.

<sup>73</sup>Government of Bihar and Orissa : *Report of the Committee appointed to formulate a scheme for the Separation of Judicial and Executive functions in Bihar and Orissa* (Orissa, 1922), Vol. 1, p. 4.

<sup>74</sup>C.E. Buckland : *op. cit.*, pp. 24-25.

<sup>75</sup>Eric Stokes : *op. cit.*, p. 268, and E. Thompson and C.T. Garret : *op. cit.*, p. 425.

<sup>76</sup>H.H. Dodwell : *The Cambridge History of India*, Vol. VI, *op. cit.*, p. 245.

to see if the office of collector could deliver the goods without modification of its structure and statutory functions.

With an area of 106,632 sq. miles and a population of 22,712,120 Punjab had in 1887 a total number of 438 officers, both covenanted and uncovenanted.<sup>77</sup> The covenanted service was manned entirely by the European, while, the uncovenanted service was predominantly manned by Indians. With regard to the proportions of the various classes, the Government's policy was that "in the present circumstances of the Punjab, European might be employed with most advantage in Executive and natives in judicial charges".<sup>78</sup> As the Punjab was a non-regulation province, its administrative staff was not governed by any Act of Parliament or the Regulations of the Government of India. Deputy commissioner enjoyed large freedom of action, being bound neither by law nor by rules or regulations. Initiative and action were the aims sought. In 1876, the Regulations were superseded by the General Codes which were uniformly applied to the whole of India, thus obliterating the distinction between Regulation and Non-Regulation Provinces. In 1884, the Punjab administrative structure was reorganised and was brought more or less, in line with that of other provinces. The Punjab Commission was reconstituted on the principles which were applicable to other provinces except that the recruitment to it from the military service still continued to be made. Civil service in the Punjab comprised of three different classes (a) Extra Assistant Commissioners, (b) Tahsildars, and (c) Superintendent of Settlement. The extra assistant commissioners performed such revenue, judicial, both civil as well as criminal, and administrative functions as were assigned to them by the deputy commissioners. They also would be appointed sub-divisional officers when they held full charge of a sub-division, under the general authority of the deputy commissioner.<sup>79</sup>

From the eighties onwards came the extension of the local self-government. If there was any purpose of training "the natives" to manage their own affairs, they must not be

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<sup>77</sup>*Public Service Commission Report*, 1887-88, Vol. 1, p. 35.

<sup>78</sup>*Ibid.*, p. 25.

<sup>79</sup>There were fourteen sub-divisions in the whole of the Punjab.

overshadowed by the constant presence of the collector.<sup>80</sup> When the Bengal Local Self-Government Act was passed in 1885, the collector became the chairman of the District Board.<sup>81</sup> The Report of the Royal Commission on Decentralisation in India also favoured the association of the collector with the local self-government institutions.<sup>82</sup>

After the mutiny, it was no longer possible to assume that the Indians wanted reforms because they had repaid British trust by rebellion. India, in British eyes, did not contain the clay out of which self-government could be modelled.<sup>83</sup> India was conquered mainly by force of arms. In like manner it must be held. The Englishmen must always be in the front rank, holding the post of honour and of power. The district officer is the unit of the whole civil system of administration. He is the official to whom, in the first instance, the government looks for information, as to all which may be going on.<sup>84</sup> By 1919, the swing had gone to the other side and it was felt that this practice impeded the growth of initiative and responsibility. The Indian demand was increasing as to the separation of the executive and criminal judicial functions of the collector.<sup>85</sup> The exercise of the criminal power has for a long time been recognised as a mark of sovereign power. With the passage of years, the political consciousness went on increasing among the Indians and political organisations based on western ideologies grew in number. The British Government in India was brought into contact with new forces, such as the progress of development, and swift means of communications. The problem of ruling India could no longer be tackled merely on an administrative level ; it called for the highest qualities of statesmanship,

<sup>80</sup>Lucien Wolf : *Life of the First Marquess of Ripon*, Vol. II (London, 1921), p. 99. Also refer S. Gopal : *British Policy in India 1858-1905* (Cambridge, 1965), pp. 147-48.

<sup>81</sup>"It was a usual experience that where Boards were allowed to elect their own chairman, they elected District Officers." L.S.S. O'Malley : *op. cit.*, p. 115.

<sup>82</sup>*Report of the Royal Commission*, 1909, Vol. I, p. 266.

<sup>83</sup>Thomas R. Metcalf : *op. cit.*, p. 280.

<sup>84</sup>Lawrence to Northcote August 17, 1867. *Lawrence Papers*.

<sup>85</sup>Sir Barnes Peacock, Sir Bartle Frere favoured the separation of power but Sir Fitz James Stephen the law member was of the opinion that the district officers should both administer criminal justice and discharge miscellaneous executive functions.

demanding a continued review of British policy in consonance with a developing public opinion in India.<sup>86</sup> The bureaucracy emphasised administrative efficiency (Curzon handled India as a sculptor his marble, chiselling to his intention what he assumed to be an inanimate mass),<sup>87</sup> while the Indian leadership concentrated on political demands. The conflict rose to a crescendo and broke, with almost explosive force, on the shore, bringing far reaching changes in the role of the collector. The government functions were divided into a number of specialised departments all under expert heads. Consequently, during the closing years of the nineteenth century, collector had to confine himself to the headquarters and less on tour. Due to "too many rules" and direction of the local government, this institution had a tough time and suffered a decline.

The years 1905-10 constituted a period of confusion and disunity with the partition of Bengal, followed by the Bande Matram movement, the Swadeshi agitation, etc.<sup>88</sup> The Royal Commission on Decentralisation in 1909 tended to boost up the authority of the collector and collector was termed as the supreme head of the district and the sole representative of the Government in the field. He was more than a *primus inter pares* and still wielded great political, administrative and judicial powers.<sup>89</sup>

The repressive laws were passed. The India Press Act 1910, the Seditious Meetings Act, 1911 and the Criminal Law (Amendment) Act, 1913 were made more stringent and comprehensive<sup>90</sup> with the spread of revolutionary and revivalist nationalism, violence became uncontrollable and the traditional gap between the Hindus and the Muslims became wider and

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<sup>86</sup>H.L. Singh : *Problems and Policies of the British in India, 1885-1908* (Bombay, 1963), p. 1 "The future government of India is a problem of the most serious import, utterly unexampled in History, and one of which it seems to me very difficult to foresee the future". Wood to Frere, August 18, 1861, *Wood Papers* (viii), p. 222.

<sup>87</sup>S. Gopal : *op. cit.*, p. 333.

<sup>88</sup>M.N. Das : *India Under Morley and Minto* (London 1964), p. 88.

<sup>89</sup>Refer to *Report of the Royal Commission on Decentralisation, op. cit.*, pp. 17-18.

<sup>90</sup>Refer H.C.E. Zacharias : *Renascent India* (London, 1933) p. 103. The Vernacular Press Act of Lord Lytton was a deliberate attempt to gag the press and thus "to smother the rising flame of discontent blocking the chimney".

wider.<sup>91</sup> The First World War developed among Indian's new sense of 'self-esteem'. The Indian soldiers fought shoulder to shoulder with the other forces of the Commonwealth and in many battlefields of Europe they rather won distinction and honour.<sup>92</sup> Local political simmerings, mostly rising against the tyrannies of administration at last crystallized in the form of political organized forces, very hard to be reckoned with.<sup>93</sup>

On August 20, 1917, a policy statement of Montagu declared, "The policy of His Majesty's Government with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire."<sup>94</sup> This caused awakening among the socially depressed and backward classes.<sup>95</sup> The ruling bureaucracy tended to become racially oriented and the increasing association of the Indians produced a sense of insecurity among European members. They regarded these popular forces as emerging an alternative to British Government and the slogan in vogue was "Good government is no substitute for self-government".<sup>96</sup>

Up to 1919, I.C.S. was mainly responsible to man in its own

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<sup>91</sup>R.N. Aggarwala : *National Movement and Constitutional Development of India* (Delhi, 1965), p. 72. The Revolutionary movement reached the crest of the wave during 1913-16. During 1913, there were sixteen outrages in all in Bengal alone—ten of which were dacoities, two with murder and with a loot of about Rs. 61,000, *Report of the Sedition Committee*, 1918, p. 59. Also refer Pattabhi Sitaramayya : *The History of the Indian National Congress* (Vol. 1, 1946), p. 335.

<sup>92</sup>A.B. Keith : *A Constitutional History of India (1900-1935)* (London, 1937), pp. 241-42. Alongwith Six Michael O'Dwyer : *India As I Knew It (1885-1925)* (London, 1925), pp. 230-31.

<sup>93</sup>Iqbal Narain : *From Dyarchy to Self-Government* (Agra, 1950), p. 32. "The outrages perpetrated on national self respect by the brutal soldiers in the Punjab sent to threat of horror throughout the country and stirred up feelings of bitter hatred against the government." K.N. Punniah : *Constitutional History of India* (Allahabad, 1938), pp. 308-09.

<sup>94</sup>House of Commons, *Parliamentary Debates*, Official Report, Vol. XCVII, 1917, p. 1965. In the words of Coupland it implied that India "could acquire a real nationhood which could be embodied as in the Dominions in a National System of Government." R. Coupland : *op. cit.*, p. 111.

<sup>95</sup>Refer *Proceedings of the Legislative Council of India*, Vol. 56, 1917-18, pp. 294-95.

<sup>96</sup>C.A. Kincaid : *Forty-Four Years a Public Servant* (Edinburg, 1934), p. 197.



service and ultimately to the Secretary of State for India. The Minto-Morley Reforms of 1909 had signalled the end of the golden age of bureaucracy. The Secretary of State had administrative, executive, judicial and political power. Montagu-Chelmsford Report of 1918 described the collector's position as "the district officer has a dual capacity as collector. He is the head of the revenue organisation and as magistrate he exercises general supervision over the inferior courts and, in particular directs the police work ... in varying degrees the district officer influencing the policy in all these matters and he is always there in the background to lend his support, or, if need be, to mediate between a specialised service and the people".

The Government of India Act, 1919 introduced a new system of administration in some of the Indian provinces, known as "Dyarchy". It was a political experiment calculated to meet, in some measure, the popular demand of responsible government in India. Under this grotesque system of government, the provincial subjects as demarcated from the central subjects were divided into two parts, the 'Reserved Subjects' and the 'Transferred Subjects'. Likewise, the executive government of the provinces was also divided into two halves, the Governor in the Council almost foreign and the Governor acting with the Ministers, wholly Indian, the former to administer Reserved Subjects like Administration of Justice, Police, Irrigation, etc., and responsible to the British Parliament, the other was to administer Transferred Subjects and responsible to the Provincial Legislature. While the civil service was demanding administrative efficiency, the Indian leadership were putting forward the political demands.

The new system pushed the collector into the background, the views of the Legislative Council and local politicians came to carry more weight.<sup>97</sup> The decisions on both questions of policy and matters of local importance came to be governed by considerations of political expediency.<sup>98</sup> The powers of the collector were sufficiently reduced and now his main duties

<sup>97</sup>Ramsay Macdonald : *The Government of India* (London), pp. 96-98. The writer concludes that "the district officer is indeed the tortoise which supports the elephant upon which Indian Government rests".

<sup>98</sup>*Report on the Working of the Reformed Constitution in Bengal* (1921-27) (Calcutta, 1929), p. 187.

were "of maintaining the fabric of government and securing a good part of the revenue needed for such maintenance as well as for the benevolent activities of government in which he has no longer much share."<sup>99</sup>

Many of the British civil servants in India believed that their duty was to those whom they actually ruled, and they felt a particular loyalty to the province in which they worked; indeed, most of them spent all their years of service in one province.<sup>100</sup> They criticised the central government for its interference in the affairs of the province, while, the centre in turn, resented the interference of the Secretary of State in London.<sup>101</sup>

In the case of transferred subjects, the experience of European collectors went unutilized. The European civil servant lost much of the incentive to constructive work, more especially when he was not assured that whatever he did for improvement of development departments would not be reversed. He was expected to convince the critics in the Legislative Councils and so far as the local self-government was concerned, he was not consulted at all.<sup>102</sup> There was now an increased demand to work at headquarters with a result that there would be reduction of district experience.<sup>103</sup>

The British Government had built up an extraordinary efficient machine for the maintenance of law, the collection of revenue, and the defence of the country, but this machine had contributed practically nothing to the improvement of the standard of life of the masses of the people. Of the national revenue raised from the Indian people by taxation, one-third was expended on the maintenance of the British and Indian armies in India, and one-third on the maintenance of the civil service, which was manned on most of its higher posts by Englishmen. Only about one-fourteenth was spent on education, one-

<sup>99</sup>Memorandum submitted by the Government of Bihar and Orissa to the *Indian Statutory Commission*, Vol. XII (London, 1930), p. 293.

<sup>100</sup>Michael Edwards : *The Last Years of British India* (London, 1963), p. 15.

<sup>101</sup>*Ibid.*, p. 14.

<sup>102</sup>*Reports of the Local Government on the Working of the Reformed Constitution*, 1924, p. 187.

<sup>103</sup>For the details of the system of dyarchy refer Iqbal Narain : *From Dyarchy to Self Government*, and G.N. Singh, *Landmarks in Indian Constitutional and National Development*.

twenty-eight on health and about one-twentieth on agricultural organisation and other "Transferred subjects".<sup>104</sup>

Another factor made the collector a passive and helpless onlooker. In making appointments, the ministry was guided by considerations of caste and individual interest, not of merit and efficiency.<sup>105</sup> It brought corruption, delay and inefficiency.

The period of Dyarchy (1921-37) was dark for the collector. The collector, whose rule had upto then been almost unchallenged, now saw that there were private individuals in his district who were in a position to criticise him, and if not satisfied, to make their voice heard in the highest quarters.<sup>106</sup> The district officer was forced to consider not how much he could hand over but how much he could cling to. The members of the District Congress Committee did often think how they could score a point against the district officer.<sup>107</sup>

After the passing of the Government of India Act, 1935<sup>108</sup>, the position of the collector became ineffective from the point of view of efficiency of the government machine and the welfare of the people in the district. He could not have real and effective control over other departments.<sup>109</sup> There was no effective machinery for revenue collection. Rowlands Committee emphasised the need to restore the powers of the collector.<sup>110</sup> This proposal was regarded as revolutionary in some departments<sup>111</sup>, but the committee reflected that it was merely a restoration of the position established by Sir George Campbell in 1872.<sup>112</sup> It further observed that because the

<sup>104</sup>F. Brockway : *The Indian Crisis* (London, 1930), p. 37.

<sup>105</sup>In Bihar there was rivalry between Bhumiars and Kayasthas, in Madras and Bombay, between Brahmans and non-Brahmans and between Hindus and Muhammadans in Bengal and the Punjab. Also refer G.N. Singh : *Landmarks in Indian Constitutional History and National Development* (Delhi, 1952), Ch. XXI on "Growth of Sectionalism".

<sup>106</sup>*Report of the Administrative Enquiry Committee*, Government of Bombay (Bombay, 1948), p. 25.

<sup>107</sup>Phillip Woodruff : *op. cit.*, p. 247.

<sup>108</sup>Government of India Act, 1935 provided a number of safeguards to secure in part that existing civil servants shall not suffer through the political changes and that the future servants be recruited under conditions which will as far as possible maintain sound traditions.

<sup>109</sup>*Refer Report of the Bengal Administrative Enquiry Committee* (1944-45) under the chairmanship of Sir Archibald Rowlands, para 65, p. 18.

<sup>110</sup>*Ibid.*, para 99, p. 20.

<sup>111</sup>*Ibid.*, para 70, p. 20.

<sup>112</sup>*Ibid.*, para 70, p. 20.

status and prestige of the district magistrate in the eyes of the people is still high, it is desirable to utilise this prestige and harness it to the work of development.<sup>113</sup> The technical officers were also put under his charge so that the development of the entire district may proceed as a combined operation.

When Congress ministers took office in 1937, they took the help of their district organisations which were almost parallel to the regular district administration. Complaints from the public to the Congress district officials were taken up by ministers and it was the duty of the district officers to investigate and report. The complaints were enormous and the government machine was being choked and district administration brought to a standstill. Looking at the effects the Congress ministers quite quickly abandoned these practices. Meanwhile, the British had lost any clear conception of what they wanted to change India into, and as time passed confined themselves in general to maintaining day-to-day administration.<sup>114</sup>

The introduction of the provincial autonomy (1937) enlarged the sphere of collector's activity. When provincial autonomy started functioning many members of the superior services resigned knowing that they would not be able to pull on under the national leaders some of whom they had often maltreated under the previous regime.<sup>115</sup>

By 1939, in addition to the functions of law and order, collection of revenue, land records, etc., the collector was to look after rural development, cooperative movement and the village panchayats. The collector found himself faced with more complex and comprehensive problems and was expected to show more deference to popular opinion and to justify his actions when criticised by the members of legislature.<sup>116</sup>

<sup>113</sup>*Report of the Ben al Administrative Enquiry Committee (1944-45)*, para 69, p. 20.

<sup>114</sup>Hugh Tinker : *India and Pakistan* (London, 1962), pp. 162-163.

<sup>115</sup>*Report of the Administrative Enquiry Committee*, Government of Bombay (Bombay, 1948), p. 25.

<sup>116</sup>R.N. Aggarwala : *op. cit.*, p. 220. Referring to his experience as a deputy commissioner, Shri S.P. Desai says "With the Congress behind bars and the Muslim League in power and the British Governor surrounding his 'individual Judgement'; I found myself a long fighter for the cause of Assamese. During this period the ministers used to refer to me in the files as 'congress minded' and I was almost a '*persona non grata*' at the Government House." K.L. Punjabi (Ed) : *The Civil Servant in India* (Bombay, 1965), p. 66.

The districts officers had to work under ministers but the conditions of their service and recruitment were not within the control of ministers, hence an anomalous situation arose, rendering the working of the system difficult. Against this it was urged that it was only an inevitable and transitional measure when India was on the way to full responsible government.<sup>117</sup>

In August 1939, the Congress ministers resigned<sup>118</sup> and the pendulum again swung in favour of bureaucracy. The Second World War (1939-45) added new dimensions and gave additional responsibilities to the collector. The collector was made in charge of the emergency recruitment to the armed forces, provisioning of troops, taking care of the families of the soldiers and sailors on the battlefield. He was asked to collect funds for war, provide for air-raid precautions and civil defence measures. New departments like Food and Civil Supplies were set up and control, supply, procurement and rationing came under his control.

The dawn of Independence in August 1947 brought new problems like mass migration, rehabilitation of refugees, communal disturbances, food scarcity, and the like.

#### *1. Responsibility of Deputy Commissioner in the Administration of Civil Justice in the Punjab.*

As regards the administration of justice, before the rise of Maharaja Ranjit Singh as a supreme ruler in the Punjab, there was little security of life and property and the revenue defaulters and debtors generally escaped to some independent chief's territory from where their surrender was only rarely demanded.<sup>119</sup> The administration of civil and criminal justice was vested in the *Sirdar or Chief*, there being no regular hierarchy of courts and no written laws for the guidance of judges.<sup>120</sup> The same

<sup>117</sup>G.N. Joshi : *Indian Administration* (London, 1938), p. 198.

<sup>118</sup>All the Congress ministers resigned between October 27 and November 15, 1939. For reasons refer R.C. Majumdar : *History of Freedom Movement in India* (Calcutta, 1962-63), Vol. III

<sup>119</sup>Syad Mohammad Latif : *History of the Punjab* (Calcutta, 1891), pp. 200-95. Also refer to Steinback : *The Punjab* (London, 1845), p. 92 and Hari Ram Gupta : *History of the Sikhs*, Vol. I (Simla, 1952), p. 308.

<sup>120</sup>Henry T. Prinsep : *Origin of the Sikh Power in the Punjab and Political Life of Maharaja Ranjit Singh* (Lahore, 1897), p. 154. Also Sir John Malcolm : *Sketch of the Sikhs* (London, 1812), p. 127.

officer collected the land revenue, maintained law and order and dispensed justice in his chieftdom which was mostly partial<sup>121</sup> and "most congenial to the temper of the people and best suited to the unsteady and character of their rule of government".

The advent of the British rule in the Punjab, brought a Board of Administration<sup>122</sup> to control and supervise all departments, viz., civil, military and revenue.<sup>123</sup> The province was divided into seven divisions and each of these divisions had a commissioner, deputy commissioner, assistant commissioner and extra assistant commissioner.<sup>124</sup> These officers were judges, revenue collectors, diplomats, conservatory officers and sometimes recruiting sergeants and chaplains, all rolled into one.<sup>125</sup> The commissioners exercised the powers of civil appellate judges, the deputy commissioners were empowered to try all civil suits exceeding Rs. 1,000 in value.<sup>126</sup>

An appeal from the decision of a deputy commissioner lay to the commissioner, whose decision was ordinarily to be

<sup>121</sup>Henry T. Prinsep, *op. cit.*, p. 154 : Comparing this type of administration with the English system, Sir John Malcolm claimed, "its great superiority over the vexatious system of the British government; which was tedious, vexatious and expensive and advantageous only to clever rogues", *op. cit.*, pp. 127-28.

<sup>122</sup>The Board considered of a President (Henry Lawrence) and two members (John Lawrence and Charles Granville Mause). The First Punjab Administration Report (1849-51), p. 29, para 176.

<sup>123</sup>The despatch from the Governor-General of India Constituting the Board of Administration dated March 31, 1849, para 23.

<sup>124</sup>The Punjab was divided topographically and politically into following divisions and districts :

- (i) Cis-Sutlej States Division : Ambala, Ludhiana, Ferozepur, Thaneswar, Simla
- (ii) Trans-Sutlej States Division : Jullundur, Hoshiarpur, Kangra
- (iii) Lahore Division : Lahore, Sialkot, Amritsar, Gurdaspur, Gujranwala
- (iv) Jhelum Division : Rawalpindi, Shahpur, Jhelum, Gujarat
- (v) Multan Division : Multan, Googaria, Jhung
- (vi) Leia Division : Leia, Khangurh, Dera Ismael Khan, Dera Ghazi Khan
- (vii) Peshawar Division : Peshwar, Hazara, Kohat.

Punjab Administration Report (1849-51), para 91, Reports (1851-52) and (1852-53), para 4.

<sup>125</sup>J.W. Kaye : *op. cit.*, p. 53.

<sup>126</sup>The First Punjab Administration Report (1849-51), para 91.

final.<sup>127</sup> The commissioners tried to see that their subordinates avoided unintelligible formalities and made justice cheap and accessible to every one.<sup>128</sup> The tahsildars dispensed justice to most of the interior of the districts and the deputy commissioners exercised not only a formal but a really careful watch over the judicial proceedings of their tahsildars.<sup>129</sup> To check the misuse of powers by the judges, the deputy commissioners were ordered to send for files of cases disposed of by the tahsildars even without an appeal being preferred.<sup>130</sup> The system continued for three or four years but in 1853, the Board of Administration was abolished and in its place a chief commissioner was appointed.<sup>131</sup> In 1859, the Punjab together with the Delhi territory was placed under a separate Lieutenant Governor of the Punjab.<sup>132</sup>

In 1860, certain chiefs and jagirdars were vested with the powers to try suits and were given simple cases for trial. The deputy commissioners were asked to help them in case of difficulty. The Punjab Courts Act XIX of 1865 defined the Jurisdiction of the Courts of Judicature in the Punjab and

<sup>127</sup>Table below shows the staff of civil officers, grades of courts, etc., compiled from the Punjab Administration Report (1851-52) and (1852-53), p. 4.

<i>Grades and Courts</i>	<i>Number of Officers</i>
Commissioners	7
Deputy Commissioners :	
1st grade	11
2nd grade	6
3rd grade	10

<sup>128</sup>Circular orders of the Board of Administration in the Judicial Department (1849-53) (Lahore, 1953) Circular Order No. 20 of 1852 dated February 28, p. 197.

<sup>129</sup>Circular orders issued in the Judicial Department by the Board of Administration for the affairs of the Punjab (1849-53), p. 251 (Circular No. 45 of 1852 dated May 11, 1852). Also Abstract Principles of Law circulated for the guidance of the officers employed in the administration of civil justice in the Punjab published by the Punjab Government (Lahore, 1855), p. 143.

<sup>130</sup>The despatch of the Governor-General constituting the Board of Administration dated March 31, 1849, p. 29.

<sup>131</sup>Resolution of Government of India abolishing the Board of Administration and establishing offices of Chief Commissioner, Judicial Commissioner and Financial Commissioner, Ford William : Foreign Department, the February 4, 1853, para 1. Also D.G. Barkley : *Non-Regulation Law of the Punjab* (Lahore, 1871), p. 21. The first Chief Commissioner was Lord Lawrence.

<sup>132</sup>D.G. Barkley : *op. cit.*, pp. 22, 23. 71-8516

its Dependencies, and seven grades of courts were established for administering civil justice in the Punjab.<sup>133</sup> The Code of Civil Procedure (Act VII of 1859) was extended to the Punjab at the end of 1866 to replace the somewhat lax procedure of the Punjab Code of 1853.<sup>134</sup> The great pressure of judicial work began to interfere seriously with the important executive functions of the deputy commissioner. He became little more than a civil judge, unable to leave his court to tour his district.<sup>135</sup> The result was the loss of government revenue, ignorance about the people of the district and general weakening of the government through the whole province.

In 1857, the Punjab Government prepared a scheme for the reorganisation of the services and the separation of judicial and executive functions and for strengthening the hands of the

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<sup>133</sup>The seven grades were :

1. The Court of the Tahsildar.
2. The Court of the Assistant Commissioner with ordinary powers.
3. The Court of Assistant Commissioner with special powers.
4. The Court of Assistant Commissioner with full powers.
5. The Court of Deputy Commissioner had the powers to try suits without any limitation in value or amount and to hear appeals when an appeal was allowed by the code of civil procedure in force in the Punjab from decisions and orders of the just three grades of courts mentioned above.
6. The Court of the Commissioner had the powers to try suits without limitations in value or amount and hear appeals from the decisions of courts mentioned in (4) and (5) above.
7. The Court of the Judicial+ Commissioner. The Punjab Court, Act XIX of 1865, Section V, Section VII, Section X, Section XI, Section XII, Section XVI.

<sup>134</sup>*Report on the Administration of Civil Justice in the Punjab and its Dependencies during the year 1866-67*, para 15.

<sup>135</sup>"The strength of the administrative staff was fixed nearly 10 years ago when judicial and executive business was far less than it is at present, and procedure was comparatively lax; and it stands to reason that a complement of officers which barely sufficed to discharge combined executive and judicial functions in 1860, should be utterly inadequate to dispose of the increased amount of business in 1869. The result is that from one end of the province to the other, complaints are received that officers are overworked; that while district officers and their subordinates (native and European) are preoccupied in the disposal of petty civil suits and appeals, the revenue, the political, the educational branches of the administration are being more and more neglected and important measures of material and social improvement have to be thrown aside or perfunctorily performed, from sheer want of time ... the result being that administrative duties are sacrificed to judicial duties, or *vice versa* or that both are indifferently performed." *Report on the Administration of the Punjab and its Dependencies for 1869-70*, paras 155-156.



district officer so that he should have full control over the judicial agency of the district but the Government of India rejected it.<sup>136</sup> Secretary of State for India in 1875, sanctioned the scheme in the modified form and a partial separation of judicial and executive services was affected.<sup>137</sup> Judicial assistants were appointed in 24 districts to relieve the deputy commissioner of their civil appellate work.<sup>138</sup> They were able to devote a large portion of their time to the criminal work and to the administration and superintendence of their districts and the management of revenue matters which had hitherto been neglected.<sup>139</sup> The deputy commissioner, however, remained as before the civil judge of the district.<sup>140</sup> The commissioners continued to be the appellate civil courts and courts of sessions for their divisions.<sup>141</sup>

The scheme of 1875 afforded little relief to the commissioners of the divisions and they remained as overworked as before.<sup>142</sup> It became necessary to appoint from time to time special officers to be additional commissioners in several of the hardest worked divisions.<sup>143</sup> The Lieutenant-Governor of the Punjab remarked, "It is almost important to set free the hands of the commissioners as of the deputy commissioners and their general superintendence of both judicial and revenue business is essential to the efficiency of the administration."<sup>144</sup> The judicial assistants were appointed to relieve the deputy commissioners of their

<sup>136</sup> *Report on the Administration of Punjab and its Dependencies for 1871-72*, p. 10. Also *A History on the Development of the Judiciary in the Punjab* (1846-1884), Punjab Government Record Office 1927, p. 55.

*Report on the Administration of the Punjab and its Dependencies for 1874-75*, para 18.

<sup>137</sup> *Ibid.*, p. 21.

<sup>138</sup> *Report on the Administration of the Punjab and its Dependencies for 1874-75*, para 33, for 1878-79, para 35.

<sup>139</sup> The Hon'ble Mr. C.A. Barron in the Punjab Legislative Council, Punjab Government Gazette, dated January 9, 1914, para V, p. 2.

<sup>140</sup> *Ibid.*

<sup>141</sup> *Report on the Administration of Civil Justice in the Punjab and its Dependencies during the year 1875-76*, proceedings of the Hon'ble Lieutenant Governor of the Punjab in the Home Department, No. 2705, dated August 9, 1876, para 5.

<sup>142</sup> *Report on the Administration of Civil Justice in the Punjab and its Dependencies for the year 1884-85*, p. 1.

<sup>143</sup> *Report on the Administration of the Punjab and its Dependencies for 1874-75*, para 34.

<sup>144</sup> *Ibid.*, para 37.

civil and judicial work only in the largest districts partly because of non-availability of judicial officers and partly due to the inadequacy of finances to make the scheme general.<sup>145</sup> Punjab Courts Act of 1884 materially altered the appellate system and relieved the officers employed in the revenue and general administration of their civil judicial work.<sup>146</sup> For the purpose of the administration of civil justice each district was provided with a special officer styled as district judge, and in the districts where the work was light, the deputy commissioner was himself appointed the district judge, but the appointment was nominal and was only limited to supervision and control. An officer invested with the powers of an additional district judge discharged in such districts the actual duties of the office.<sup>147</sup>

## 2. *Responsibility of the Deputy Commissioner in the Administration of Criminal Justice in the Punjab*

After the advent of the British rule in the Punjab, no separate functionaries were appointed for the administration of criminal justice. The authority ran down to tahsildar through the Commissioners and deputy commissioners.<sup>148</sup> The Governor General while constituting the Board of Administration empowered the deputy commissioner to inflict imprisonment not exceeding two years. He could also award punishment of stripes.<sup>149</sup> The commissioner in exercise of his criminal powers held Court of Sessions for the division.<sup>150</sup> The only criminal cases which he referred to the Board of Administration were those involving sentence of capital punishment or transportation for life. He was required to exercise supervision and control over the deputy commissioners of the districts which constituted his division.<sup>151</sup> Two honorary agencies

<sup>145</sup>Punjab Courts Act, 1884 established four grades of courts in the Punjab namely, (a) the divisional court, (b) the court of district judge, (c) the court of the subordinate judge; and (d) the court of munsiff.

<sup>146</sup>*The Punjab Courts Act XVIII of 1884*, Sec. 17.

<sup>147</sup>*The First Punjab Administration Report* (1849-51), para 91.

<sup>148</sup>The Despatch from the Governor General constituting the Board of Administration dated March 31, 1849, para 18.

<sup>149</sup>*The First Punjab Administration Report* (1849-51), para 91.

<sup>150</sup>The Despatch from the Governor General constituting the Board of Administration dated March 31, 1849, paras 21 and 22.

<sup>151</sup>The enhanced powers in criminal cases under Act XV of 1862 were vested in the deputy commissioners in 1863, see *General Report on the Administration of the Punjab and its Dependencies for 1862-64*, para 17.

were able to relieve the judiciary of about 10 per cent of its work by 1885. To provide some relief to the commissioners in their work of criminal justice, the deputy commissioners were conferred powers under Act XV of 1862 (amended Code of Criminal Procedure) to try all cases triable by them except those in which a sentence of death could be awarded.<sup>152</sup> The investing of enhanced powers on the deputy commissioners afforded much relief to the commissioners from the work which formerly fell on them. The increased pressure of criminal work on the deputy commissioners impaired their efficiency and also resulted in a miscarriage of justice to the accused.<sup>153</sup>

Under Maharaja Ranjit Singh as well, no distinction was made between ordinary, civil, revenue and criminal cases.<sup>154</sup> In the provincial headquarters justice was administered by *Nazims* or special officers called *Adaltees*.

After the death of Maharaja Ranjit Singh, there was a virtual collapse of government in the Punjab, and a Regency under the control of the British Resident at Lahore, composed of the Chief Sardars of the late government to rule in the name of Maharaja Dalip Singh, a minor son of Maharaja Ranjit Singh was inaugurated.<sup>155</sup> After the conclusion of the Second Sikh War in 1849, the empire carved out by the genius of Maharaja Ranjit Singh ended and the administration was put under the control of a Board of Administration;<sup>156</sup> and the whole

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<sup>152</sup> *Report on the Administration of Criminal Justice in the Punjab and its Dependencies for the year 1865-66*, para 20.

<sup>153</sup> *Report on the Administration of the Punjab for the years 1849-50*, 1850-51, Calcutta, 1853, paras 22, 23.

<sup>154</sup> The Kardar was the settlement officer, the revenue collector, magistrate and representative of the Central Authority—all rolled into one. Sita Ram Kohli: "Land Revenue Administration under Maharaja Ranjit Singh", *The Journal of the Punjab University Historical Society*, Vol. VII, No. 1, 1918. Gulshan Lal Chopra: *The Punjab as a Sovereign State (1799-1839)* (Hoshiarpur, 1960), p. 89.

<sup>155</sup> Sir Charles Aitchison: *A Collection of Treatise, Engagements and Sanads relating to India and Neighbouring Countries*, Vol. VIII (Calcutta, 1892), p. 166. Also the *First Punjab Administration Report*, paras 27 and 32 of Henry Lawrence to Elliot, July 3, 1847. No. 79/BK 175, Punjab Government Records.

<sup>156</sup> The Despatch Constituting the Board of Administrative letter No. 418 dated March 31, 1849 from the Secretary to the Government of India, to the Board of Administration for the affairs of the Punjab, para i, D.G. Barkley: *op cit.*, pp. 15-22. Also W.W. Hunter: *The Marquess of Dalhousie and the Final Development of the Company Rule* (Oxford, 1890), p. 101.

system of civil and criminal justice had to be organised '*de novo*'.

The essential feature of the new system was centralization of all powers—judicial, executive, revenue and police in the hands of deputy commissioner.<sup>157</sup> The powers of the judicial officers were regulated by the Regulations.<sup>158</sup> With the establishment of the Legislative Council in India in 1861, the judicial establishments were reorganised. The Indian Penal Code and the Code of Criminal Procedure were introduced in the Punjab in 1862,<sup>159</sup> the Punjab Courts Act 1865 defined the jurisdiction of the Courts of Judicature in the Punjab.<sup>160</sup> In 1875,<sup>161</sup> the Punjab Government introduced a new judicial agency scheme and appointed special officer exclusively for the administration of civil justice in the provinces. Punjab Courts Act, 1914 created District and Sessions Judges.<sup>162</sup>

Before 1849, the Punjab remained a non-regulation province in theory with a distinction that the Punjab district officer as has already been pointed out, was called a deputy commissioner rather than a collector.<sup>163</sup>

The powers of the district magistrate in criminal cases extended (1849-66) to the infliction of imprisonment and fine not exceeding Rs. 500 separately or conjointly where the law allowed combined sentence of fine and imprisonment.<sup>164</sup> He was under the direct immediate authority of the commissioner of the division within which his district lay. In case of difference of opinion with the commissioners, he was authorised to state to him why he considered the orders to be illegal and he was at liberty to request the commissioner to forward all papers relating to the case to the judicial commissioner, whose opinion

<sup>157</sup>W.W. Hunter, *op. cit.*, pp. 186-88.

<sup>158</sup>Regulation I of 1796 and Regulation VIII of 1882.

<sup>159</sup>P.E. Roberts, *op. cit.*, p. 385.

<sup>160</sup>*Report on the Administration of Criminal Justice in the Punjab and its Dependencies during the year 1862-63*, para 26.

<sup>161</sup>*Report on the Administration of the Punjab and its Dependencies for the year 1875-76*, para 32.

<sup>162</sup>*The Land of the Five Rivers*, being a Decennial report of the Administration of the Punjab for the year 1921-22, Lahore, paras 69 and 99.

<sup>163</sup>*Ibid.*, para 69.

<sup>164</sup>*A Manual of Criminal Law as Administered in the Punjab and its Dependencies* (Lahore, 1860), p. 43.

was final and conclusive.<sup>165</sup> The deputy commissioner, always a European was regulated in service conditions by the Secretary of State for India.<sup>166</sup> The pay of the deputy commissioner varied between Rs. 1,000 and Rs. 1,600 per month.<sup>167</sup>

From 1866-1947, with the application of the Code of Criminal Procedure (Act XV of 1861) to the Punjab in 1862, the powers of the district magistrate were revised.<sup>168</sup> The code of Criminal Procedure of 1872, 1882 and 1898 further increased the powers which he shared with the additional district magistrate in certain districts.<sup>169</sup> The Chief Court in its circular order enjoined upon the district magistrates not to allow any other function to override the proper administration of Criminal justice and to fully recognise that the peace and order in the districts depended upon their taking active personal interest in all matters affecting the criminal jurisdiction.<sup>170</sup>

The district magistrate was required regularly to examine the registers of subordinate criminal courts under him, and so far as the circumstances permitted, to keep himself acquainted with the working of all courts subordinate to him, and to comment on any irregularities which might come to his notice. In case some wrong decisions had been taken, he could report the case to the High Court exercising revisional jurisdiction. The High Court was at liberty to accept or reject the recommendations of the district magistrate.<sup>171</sup> The sub-divisional magistrates and cantonment magistrates were subordinate to

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<sup>165</sup>*A Manual of Criminal Law as Administered in the Punjab and its Dependencies*, p. 38. Also *The First Punjab Administration Report 1849-51*, para 91.

<sup>166</sup>*The First Punjab Administration Report (1849-51)*, para 91. Also refer to Civil Service Regulations (corrected up to November 15, 1917), Calcutta, 1919, Civil Service Regulations (corrected up to December 31, 1940), Delhi, 1941, Government of India Act, 1853, Government of India Act, 1858, Indian Civil Service Act, 1861, Government of India Act, 1919, Government of India Act, 1935, and rules made under the Act and the *Report of the Public Service Commission*, 1912, Vol. I (London, 1916).

<sup>167</sup>*The First Punjab Administration Report (1848-51)*, para 91.

<sup>168</sup>*Code of Criminal Procedure Act XXV of 1861*, sec. 22. "Magistrate of the district shall mean the chief officer charged with the executive administration of the district in criminal matters by whatsoever designation such officer may be called."

<sup>169</sup>*The Land of Five Rivers*, op. cit., para 101.

<sup>170</sup>Circular orders of the Chief Court Punjab, Vol. I.

<sup>171</sup>Rules and Orders of the High Court of Judicature at Lahore, Vol. IV 1944, Ch. C. Rules 1, 2.

the district magistrate. He was the head of the prosecuting agency in the district;<sup>172</sup> and sent report on the work of other magistrates and officers every year to the government through the District and Sessions Judge and the Registrar of the High Court.<sup>173</sup> The Government of India Act, 1935, laid down that no recommendation could be made for the grant of magisterial powers from any person save after consultation with the district magistrate.<sup>174</sup> He was responsible for the efficient working of criminal courts under his charge.<sup>175</sup> The post of deputy commissioner was a "Listed Post" on the Punjab Commission.<sup>176</sup> He was also appointed from amongst the extra assistant commissioners in the highest grade. A rigid selection was exercised in the promotion of the best executive officers to the listed posts of deputy commissioners.<sup>177</sup>

After the reorganisation of regency in 1884, the commissioners of the divisions ceased to exercise judicial powers, civil as well as criminal.<sup>178</sup> The deputy commissioner also ceased to do civil judicial work and concentrated more and more on appellate criminal work and their administrative duties. By the year 1905, there was not a single deputy commissioner who was even working as a nominal district judge.<sup>179</sup> The elevation of the Chief Court, Punjab to the status of a High Court in 1919 brought the administration of criminal justice on a stronger footing. The Frontier Crimes Regulation of 1872 as amended by Regulation IV of 1887, was replaced by

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<sup>172</sup>Rules and Orders of the High Court of Judicature at Lahore. Ch. 1-D, Rule 3.

<sup>173</sup>He sent reports on the magisterial work of (a) officers of the Indian Civil Service, (b) officers of the Punjab Civil Service (Executive Branch), (c) Political Probationers of the Government of India, (d) Honorary Magistrates. Also *Ibid.*, Ch. 1-D, Rule 4.

<sup>174</sup>*The Government of India Act, 1935, Sec. 256.*

<sup>175</sup>*The District Office Manual, Punjab (Lahore, 1944) Ch. 1, Rule 1. 1.*

<sup>176</sup>*The Land of the Five Rivers, op. cit.*, p. 45.

<sup>177</sup>*Appendix to the Report of the Royal Commission on Public Services, Vol. X Minutes of Evidence relating the India and Provincial Services taken at Lahore (London, 1914) C.A. Barron, Chief Secretary, Punjab in reply to Q. No. 51690, p. 255 in reply to another question No. 51636, p. 223, C.A. Barron replied that the most senior officers employed as deputy commissioners had about 10 years of service.*

<sup>178</sup>*Proceedings of the Public Service Commission, Vol. I (Proceedings relating to the Punjab) (Calcutta, 1887), p. 32.*

<sup>179</sup>*Circular orders of the Chief Court of the Punjab, Vol. III (Lahore, 1902) Corrections slip No. 75, dated February 27, 1905, para 10.*

the Frontier Crime Regulation of 1901 which empowered the deputy commissioners in certain districts to commit for trial any person or persons accused of specified offence to a specially constituted tribunal called the Council of Elders or *Jirga*. The deputy commissioner was empowered to nominate or appoint such a tribunal.<sup>180</sup> Sentences under the Frontier Crimes Regulations exceeding seven years required the confirmation of the commissioner, who had revisional jurisdiction in all cases.<sup>181</sup> By the year 1919, the whole system of judicial administration came at par with that of the major provinces such as Bengal, Madras, Bombay and the United Provinces.

The commissioners of the divisions were wholly relieved of their civil judicial functions by the appointment of divisional judges. The deputy commissioners also ceased to be district judges of their districts except in a few litigious districts, where they were appointed *ex officio* district judges in addition to their normal duties.<sup>182</sup> Certain classes of land suits, which could more conveniently be disposed of by revenue officers were transferred to revenue courts, in connection with which the deputy commissioners and commissioners continued to exercise original and appellate jurisdiction.<sup>183</sup> The Punjab Courts Act of 1914 abandoned the institution of district judges and the divisional system and substituted it by the District and Sessions and Subordinate Judges Court on the lines of other provinces of India. The Punjab Court of Wards Act II of 1903 came into force in June, 1903. There had been a separate Court of Wards for each district and the powers of control and revision were invested with the financial commissioner. The Act constituted a single Court of Wards for the whole province, the deputy commissioner being made its local agent in each district.<sup>184</sup> The Punjab Courts Act of 1918 and the establishment of a

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<sup>180</sup>Frontier Crimes Regulation III of 1901, Sec. 11 (i).

<sup>181</sup>*Ibid.*, Sec. 12 (2).

<sup>182</sup>The Hon'ble Mr. C.A. Barron in the Punjab Legislative Council, *Punjab Government Gazette* dated January 9, 1914, para V, p. 2.

<sup>183</sup>*Report on the Administration of Civil Justice in the Punjab and its Dependencies during the year 1884-85*, para 2.

<sup>184</sup>Tek Chand and others : *Commentaries on the Punjab Acts*, Vol I (Lahore 1939), p. 858.

High Court in 1919 reorganised the judicial agency and laid the foundation of the present civil judicial agency.<sup>185</sup>

The establishment of the Chief Court in 1866 marked a significant stage in the development of criminal justice. The Code of Criminal Procedure Act X of 1872 provided for the distribution of the province into sessions divisions and the appointment of a sessions judge in each division.<sup>186</sup> The commissioners of the divisions held sessions courts, the magistrates of the first class were composed of the magistrate of the district (deputy commissioner). The deputy commissioners were given vast magisterial and executive powers for the peace and good government of some districts in 1872.<sup>187</sup> In 1873, it was laid down that if in the opinion of the deputy commissioner it was expedient that the question of guilt or innocence of any person or persons accused of any offence should be tried according to the ordinary procedure of criminal courts, he could refer such cases for decision to a Council of Elders, convened according to the usage in the area.<sup>188</sup> In 1884, with the establishment of divisional and sessions courts, the commissioners were relieved of their judicial work.<sup>189</sup> The chief defects of the administration of criminal justice by the end of the year 1884 were the combination of judicial and executive functions. The frequent transfers of the deputy commissioners also hampered the efficient working of the administration of criminal justice.<sup>190</sup> There was also a tendency on the part of the district officers to

<sup>185</sup>*The Land of the Five Rivers, op. cit.*, para 98.

<sup>186</sup>Code of Criminal Procedure, Act. X of 1872, Sec. 15.

<sup>187</sup>In order to provide an adaptability and elastic method of making rules which would have legal validity for provinces in elementary stage of progress, the Act 33 of 1870 provided that certain territories might any time be declared by the Secretary of State to be territories for which it was desirable that special Regulations (other than the Acts of the Legislature), should be made. As provided by this Act, Special Regulations for the territories of Peshawar, Hazara, Kohat, Dera Ismail Khan and Dera Baba Khan was made by the Governor General in Council in 1872. Punjab Frontier Regulation No. 1 of 1872.

<sup>188</sup>Punjab Frontier Regulation (Amendment) Regulation Act No. IV of 1873, Sec. 22.

<sup>189</sup>The Hon'ble Mr. C.A. Barron in the Punjab Legislative Council, Punjab Government Gazette, dated January 9, 1914, para V, p. 2.

<sup>190</sup>*Report on the Administration of Criminal Justice in the Punjab and its Dependencies during the year 1872-73*, proceedings of the Hon'ble Lt. Governor of the Punjab in the Home Department, No. 1881, dated May 12, 1873, para 22.



divest themselves of their functions as chief magistrates of the district and transfer a portion of criminal appeals to their judicial assistants for hearing and thus they lost a great opportunity of getting an insight into the state of crime in the district.<sup>191</sup>

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<sup>191</sup>*Report on the Administration of Criminal Justice in the Punjab and its Dependencies during the year 1881-82* proceedings on the Hon'ble Lt. Governor of the Punjab in the Home (Judicial) Department No. 630 dated July 15, 1882, para 12.

## CHAPTER III

### ADMINISTRATIVE SET-UP

India, "Brightest Jewel in Britain's Imperial Crown"<sup>1</sup> after all became free on August 15, 1947. The journey had been long and arduous. Like pilgrims the people suffered, like petals they fell. For the Punjab, the partition brought with it innumerable problems and the resources of the state were stretched and drained. The struggle for consolidation started, the vast areas which were the granary of the Punjab along with major irrigation systems were left behind in the West Punjab. There was the problem of rehabilitating and feeding forty-two lakh uprooted people who grudgingly trekked across the border. Pressure on administrative personnel increased, nearly half of the total I.C.S. officers preferring to return to U.K. and a considerable number of officers opting for Pakistan. The ranks of the services had been very much depleted as no recruitment to the higher services had been made during the war-time. A very large number of responsible posts were filled in by inexperienced persons. The search for a new capital started and the departmental offices were scattered all over the state depending on the availability of accommodation.

The Punjab has rightly been called the "Sword Arm of India" and the civil administration has to promote the people's solidarity, emotional unity, communal harmony and defence preparedness so that any possible challenge to hard-won freedom from across the borders may be faced. The valour and tenacity of the valiant Punjabis was soon tested, when close on the wake of Independence, Pakistan invaded her next door neighbour, the former princely state of Kashmir (now integral part of India). In 1962, China showed her evil designs of dominance over Asia and crossed the northern Indian borders. In 1965, Pakistan supported by the Chinese committed

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<sup>1</sup>Penderal Moon : *Strangers in India* (London, 1944), p.10.

aggression on the Punjab border and on other parts of our territory. These aggressions caused a tremendous loss in men and material.

The Punjab had many princely states and majority of them lying within the border of the East Punjab. In the year 1948, they were merged together in the Patiala and East Punjab States Union. On the recommendation of the States Reorganisation Commission, the Patiala and East Punjab States Union was merged with the Punjab on November 1, 1956. Due to this merger there was the problem of settlement of assets and liabilities and the administration had to face the problem of the integration of various services in the two erstwhile states.

The pace of progress did not slacken with the efforts aimed at mere survival and there was a lot of consolidation of the position. In the years that followed many steps were taken to give clean and efficient administration to the people and to revitalise them to new careers. The Punjab Separation of Judicial and Executive Functions Act, 1964 was passed. The Dass Commission was appointed to enquire into direct or indirect abuse of authority and a number of other steps were taken. In 1966 came the third blow to the land of five rivers, Reorganisation Act was passed and the truncated Punjab after the formation of Haryana now consists of only 11 districts.

The administrative organisation of the state is divisible into two parts, viz., the policy formulation agencies and the executive organs. The former are called departments and are located at the headquarters secretariat. The secretariat is intended to assist the Council of Ministers in the discharge of their responsibilities. There are two financial commissioners, one financial commissioner (Revenue) who is also the secretary to government, Punjab, revenue and consolidation of holdings, and another financial commissioner (excise and taxation) who is also secretary to government, Punjab, excise and taxation, elections, rehabilitation, relief and re-settlement departments and chief electoral officer. Chief Secretary is incharge of general administration, Public Service Commission, Subordinate Services Selection Board, public relations, secretariat establishment, hospitality, etc. The cabinet exercises supervision and control as regards the deputy commissioner through the various

state ministers who are its members and the chief secretary. Official orders are conveyed to him duly authenticated in the name of the Governor. In practice deputy commissioner does not have direct dealings with the ministers, *etc.*, and chief secretary is one of the most important state officials who exercises control over him.

The most important regional office is that of the divisional commissioner who is supposed to supervise and guide the deputy commissioner. There are two commissioners, each at Jullundur Division and Patiala Division, the former division comprising of 7 districts and the latter of 4 districts. Deputy commissioner is the head of the district and main executive, levels below the district level are the sub-divisions and the blocks. At present there are 11 districts, 37 sub-divisions, 37 tahsils, 13 sub-tahsils and 116 blocks.<sup>2</sup>

### *Structure of Civil Service*

Horizontally, civil service in the Punjab comprises of three different categories of services, namely, All India Service, the Provincial Civil Service and the State Subordinate Civil Service.<sup>3</sup> Members of the Indian Administrative Service man all the higher administrative posts in the State. The I.A.S. cadre strength of the Punjab in force from November 1, 1966<sup>4</sup> is 125 inclusive of the training, leave and deputation reserves. Recruitment to the I.A.S. (75% of the candidates to be recruited in a year depending upon the number of vacancies) is made through an open competitive examination conducted by the Union Public Service Commission. Recruits to the services are allotted to the state cadre by the union government during the period of training at the National Academy of Administration, Mussoorie.<sup>5</sup>

Second category on civil side is the Provincial Civil Service which consists of about 17 different services. Punjab Civil

<sup>2</sup>As on April 1, 1968.

<sup>3</sup>The term "service" is used in India equivalent to the term class as used in standard public administration terminology.

<sup>4</sup>Government of India, Notification No. 2.6/17/67-IAS (1) dated March 14, 1967.

<sup>5</sup>Indian Administrative Services Cadre Rules, 1956.

Service is one of them, a general administrative service occupying a place just below the I.A.S.

It is a Class II service of the state government, the recruitment to which is made from four sources as follows :

- |   |       |
|---|-------|
| 1. From Register A-I (Tahsildars and Naib Tahsildars) | 14.3% |
| 2. Register A-II (Ministerial Government Service)     | 14.3% |
| 3. Register B (Direct Recruits)                       | 67.9% |
| 4. Register C (Nominations for temporary Departments) | 3.5%  |

Officers who are exceptionally brilliant with their work are put on the 'Select List' and 25 per cent of the senior scale I.A.S. posts on the cadre of the state are filled from the 'Select List'.

The base of the state administrative structure is the subordinate services apart from Tahsildars and Naib Tahsildars to which the recruitment is made through the Subordinate Services Selection Board. They occupy places at the lowest echelons of the official hierarchy.

### *Training of I.A.S. Probationers*

After selection, the I.A.S. probationers go for training to National Academy of Administration, Mussoorie, to get training which comprises of a foundational course of five months followed by another course of seven months.<sup>6</sup> During their one year stay at the Academy the probationers are grounded in the knowledge of Economics, Administrative History of India, Criminal Law and Procedure, General Administration and District Administration. In addition, they are imparted the knowledge of the language of the state to which they are to be posted. The performance of probationers is determined on the basis of the aggregate marks obtained by them at the competitive examination; on their records at the academy and at the final examination. After completing one year training, the probationers disperse to report to the states of their allotment. It marks the second phase of the initial training :

<sup>6</sup>For details and purpose of the training imparted at National Academy of Administration, Mussoorie refer V.T. Krishnamachari : *Report on Indian and State Administrative Services and Problems of District Administration* (Delhi, 1962). Recently some pamphlets have also been published by the Training Division of the Ministry of Home Affairs.

- (a) purely on-the-job training where they learn by doing, and  
 (b) a mixture of institutional and practical on-the-job training.<sup>7</sup>

Young I.A.S. officers who are allocated to the Punjab have to undergo another training, according to the instructions and rules of the Punjab Government. At present the training consists of four stages.

*First Stage* : They are made to work as village level workers and block development officers, as part of their regular training; giving them adequate practical experience and knowledge of the work of the National Extension Service and Community Project Blocks. Then they sit some hours daily in the court of another magistrate for a week or two and learn by observation and they are given magisterial training as Class III magistrates and elementary revenue training as assistant collector Second Grade. The general assistant and extra assistant commissioner-incharge explain to them the most important points connected with the work of the records room, copying agency and nazarat. From time to time files are sent to them for perusal and the intention is to acquaint them with official procedures and the channels through which correspondence with higher or lower officers is conducted. A certificate to the effect that the officer has received training satisfactorily is sent by the deputy commissioner concerned to the Chief Secretary just after the completion of the revenue training at the Revenue Training School, Chandigarh. The session in the revenue school commences on First of October each year and has to last till middle of following April. Break-up of the training in the first stage is

<i>Sl. No.</i>	<i>Particulars</i>	<i>Period</i>
1.	Practical Training as Village Level Worker and Block Development Officer.	4 weeks
2.	Magisterial training as III class Magistrate as also to function as Assistant Collector, Second Grade, to acquire working knowledge of elementary revenue work.	6 months

<sup>7</sup>This type of training has since been changed into what is called a "Sandwich Course"—two phases of training at the Academy with a spell of district training sandwiched between them.

<i>Sl. No.</i>	<i>Particulars</i>	<i>Period</i>
3.	Training in office and work general administration	Simultaneously with magisterial training
4.	Treasury training to be arranged at a district headquarter or at the discretion of government at a selected hill station (simultaneously with magisterial training).	6 weeks
5.	Revenue training at the School at Chandigarh from 1st October to middle of April in the following stages.	6½ months
Stage I.	Introduction to the general outline of Revenue work (Period : 1st October to 15th October)	
Stage II.	Survey and Record (Period : 16th October to 29th November)	
Stage III.	General training in Village Administration (Period : 30th November to 13th January)	
Stage IV.	Development and Public Administration (Period : 14th January to 13th February)	
Stage V.	Assessment (Period : 14th February to 13th April)	
Stage VI.	Departmental examination is held in November each year.	

*Second Stage :* When these officers have passed the departmental examination in criminal law by the lower standard and in the language they are gazetted as II Class Magistrates, they are given sufficient training in revenue court work and are placed in charge of one or two kanungo circles so as to get practical training in revenue work.

As regards jail training they go to attend the headquarters jail for one hour in the morning at the lock out time and one hour in the evening at lock up time. The superintendent of the jail acquaints them with the duties of deputy superintendent and assistant superintendent as also the registers kept in the jails. After they have completed training in magisterial work as

Magistrates (II Class) and passed all the departmental examinations by the required standard they are gazetted as I class Magistrates and put in charge of several thanas, besides being given revenue work.

The break-up is as under :

1. Departmental examination is held in April/May each year.
2. Balance of magisterial training as III Class Magistrate, if any, and then as II Class Magistrate, on being given II Class powers after passing the departmental examination in criminal law by the lower standard and in languages; and also training in revenue offices and revenue court work.— 6 weeks
3. Jail training in headquarters jail—1 month (simultaneously with magisterial training).
4. Magisterial work as I Class Magistrate and Ilaqa Magistrate in charge of several thanas, as being given I Class powers after passing the departmental examination in criminal law by the higher standard and in language and revenue court work. —5 months

*Third and Fourth Stages :* After the completion of the training in the districts and working about a year as the sub-divisional officers (civil and revenue) they are posted as under secretaries for secretarial training for a period of about 6 months.

P.C.S. officers also get limited training and are attached with the deputy commissioner for some time as extra assistant commissioners in which period they are imparted general type of training. They also receive training at the Revenue Training School along with I.A.S. probationers and after about five or six years of service, the P.C.S. officers become eligible to hold full charge of the junior administrative officer, such as sub-divisional officer, district development and panchayat officer, deputy director or an equivalent officer in the secretariat.

### *Posting*

On the completion of this training the I.A.S. probationers are posted as sub-divisional magistrates. After a few years of experience at the sub-divisional level, they are posted as additional



district magistrates or as under-secretaries in the secretariat. Then comes the grand finale, the charge of a district.<sup>8</sup>

In the Punjab deputy commissioners are appointed either from the officers of the Indian Administrative Service who are holding senior duty<sup>7</sup> posts or the officers of the P.C.S. (Executive Branch) who are on the Select List. The cadre strength of the I.A.S. (including I.C.S.) for the Punjab is 125 out of which 61 posts are senior duty posts. The cadre strength of the P.C.S. (Executive) is 239, and they are promoted to I.A.S. to the extent of 25 per cent of the senior duty posts, i.e., 25 per cent of 61 posts which comes to 15. Suitable officers from other departments, and not belonging to the Provincial Civil Service, are also, now and then, taken on the 'Select List' and ultimately into the I.A.S., to the extent of 15 per cent of the promotion quota. Thus majority of the officers of P.C.S. (Executive) have no chance to get promotion in the I.A.S. as 25 per cent of senior duty posts of I.A.S. come only to 6.3 per cent of the P.C.S. Cadre (15 out of 239). For these officers there is no other avenue of promotion at present except to get a selection grade. Recently, the Punjab Government has raised their grades, and the number of posts have also been increased in the selection grade.<sup>9</sup>

Traditionally, the Indian Civil Service and after Independence, the Indian Administrative Service have both been considered as primarily meant for field administration, therefore, posts of the collectors or deputy commissioners were 'career grade'. However, developments since Independence have been such as to change the very character of the highest service in the country. As the Table (comparative possibilities, etc.) indicates, the proportion of senior posts which can be utilised for the posting of I.A.S. officers as deputy commissioners has steadily fallen at all-India level since Independence from 46.8 to 17 per cent in 1967 where as in the Punjab it has fallen from 36.4 per cent to 17.7 per cent. It is primarily because there is increase in the utilisation of officers of the service in the secretariats at the Centre and in the States.

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<sup>8</sup>Government of India, Notification No. 2.6/17/67—AIS (1) dated March 14, 1967.

<sup>9</sup>Letter No. 2312-SI (I)-68/7124 dated March 13, 1968.

TABLE  
COMPARATIVE POSSIBILITIES OF I.A.S. OFFICERS TO WORK AS DEPUTY COMMISSIONERS

Sl No.	Items	1950	1960	1963	1964	1965	1966	1967	1968								
		Al.	Pb.	Al.	Pb.	Al.	Pb.	Al.	Pb.								
1.	Total number of senior duty posts	626	33	1297	76	1479	112	1576	113	1755	113	1884	85	2002	85		
2.	Number of districts	293	12	320	19	317	19	317	20	323	20	324	20	323	11	323	11
3.	Percentage of number of districts to total number of senior duty posts	46.8	38.4	24.7	25.0	21.4	16.9	20.1	17.7	19.1	17.7	18.5	17.7	17.1	12.9	16.1	12.9

- Notes : 1. Figures about the number of districts for all the years were either taken from the Census of India Reports or the Annual publication 'India' by the Publication Division, Government of India.
2. The figures about the senior duty posts have been compiled from the gradation lists of the respective Central and State Governments.
3. *Al.* stands for 'All India' and *Pb.* stands for 'Punjab'.

An administrative organisation is a dynamic social institution, the different parts of which interact with each other. There is always an urgent need to shed out-moded attitudes, structural forms and methods of work, if the administrative organisation is to grow and keep pace with the demands of economic and social growth. The secretariat is essentially the central office, which helps the government in formulation of policies, translation of these policies into a series of connected activities or programmes and to ensure their efficient execution. The role of top management is vital to the effectiveness and efficient functioning of administration. Top management provides overall direction and guidance, allocates priorities, builds up identification of personnel with objectives and programmes and sets the tone of administration. It is a general belief that the job at the secretariat provides more relief and less strain. Moreover the allurements of serving at the headquarter is always hard to resist. After Independence, due to increase in developmental functions, there is growth in the number of senior and middle level posts in the Punjab Civil Secretariat. Thus we see that where the comparative possibilities of I.A.S. officers to man the posts of deputy commissioners are steadily decreasing in the Punjab, the chances to work on senior posts in the secretariat have increased many times.

Prior to Independence, appointments to the posts of deputy commissioners were reserved for the members of the Indian Civil Service. The Indian Independence Act repealed the Reserve Posts Rules and now it is the discretion of the government to appoint an eligible officer of any service to any post. As a consequence, in some states a good percentage of posts of collectors and deputy commissioners are held by State Civil Service Officers. In many states the percentage of posts being handled by State Civil Service is very high, presumably because their cadre strength of I.A.S. is not complete<sup>10</sup>, but such postings need the concurrence of the Government of India.

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<sup>10</sup>During an interview with a very senior official of Jammu & Kashmir Government this problem was discussed and the chief reason advanced by the latter was that the cadre strength of I.A.S. in most cases was not complete and by completing it arbitrarily or in large numbers in a year or two, would bring down the efficiency of the service and the quality.

Thus we see that in the states of Bihar, Kerala and Madras there are no non-IAS officers working as collectors or deputy commissioners while in Mysore and Jammu & Kashmir non-IAS officers are holding the charge of more than half the districts. The percentage of non-IAS officers holding the charge of deputy commissioners on January 1, 1967 was 18.1 per cent in the Punjab. During the last seven years (1962-68), the percentage break-up of the deputy commissioners who held the charge of all the eleven districts in the Punjab in relation to their source of recruitment is as follows :<sup>11</sup>

TABLE  
SHOWING THE NUMBER OF I.A.S. AND NON-I.A.S. OFFICERS  
WORKING AS COLLECTORS/DEPUTY COMMISSIONERS IN THE  
STATES OF INDIA AS ON 1-1-1967.

<i>State</i>	<i>No. of districts</i>	<i>No. of I.A.S. collectors</i>	<i>No. of non-I.A.S. collectors</i>	<i>Percentage of non-I.A.S.</i>
1. Andhra Pradesh	20	16	4	20
2. Assam	18	11	7	38
3. Bihar	17	17	0	0
4. Gujarat	17	15	2	11.7
5. Jammu & Kashmir	14	2	12	85.7
6. Kerala	9	9	0	0
7. Madhya Pradesh	43	37	6	13.9
8. Madras	13	13	0	0
9. Maharashtra	26	14	12	46.1
10. Mysore	19	8	11	57.9
11. Orissa	13	12	1	7.7
12. Punjab	11	9	2	18.1
13. Rajasthan	26	24	2	7.7
14. Uttar Pradesh	54	31	23	42.6
15. West Bengal	16	15	1	6.2
16. Haryana	7	5	2	28.5

- Notes : 1. The above figures have been compiled from the Civil List of Indian Administrative Services issued by the Government of India, Ministry of Home Affairs as corrected up to January 1, 1967.
2. The I.A.S. officers who are officiating as Collectors have been included when Additional Collectors/Deputy Commissioners have not been included.
3. Figures for Nagaland are not available separately and are included in the figures of the state of Assam.

<sup>11</sup>Total number of deputy commissioners who held the charge of different districts in the Punjab was 47. Eight out of this number changed from one district to another, while one held the charge of three different districts at three different times during the period. Total number of individuals was, therefore, thirty-seven.

<i>Source of Recruitment</i>	<i>Percentage</i>
I.A.S. (Regular Recruits)	32.43
I.A.S. (Select List Officers)	27.02
I.A.S. (Special Recruits)	2.72
P.C.S.	37.83

Thus during this period the number of P.C.S. officers holding the charge of deputy commissioner in the Punjab was higher as compared to I.A.S. Regular Recruits, Special Recruits or those who were in I.A.S. from the State Civil Services.

The Table (Age of Deputy Commissioners, etc.) shows that the age of the deputy commissioners who held the charge of the district in the Punjab from 1963 to 1968 varies with their source of recruitment. The average age of those who were serving in State Civil Service before being appointed to I.A.S. and those who are still in P.C.S. was almost equal (50 years).

Those officers who are I.A.S. (Regular Recruits or Special Recruits), the average age was lower (32 years). The all-India average age of collector who are I.A.S. (Regular Recruits) for the period 1962 to 1965 was, however, 37 years and 9 months.<sup>12</sup>

The Table (showing the number of years put in service, etc.) shows the average number of years put in service after the date of original appointment and holding the charge of a district comes out to be 11.8 years and the officers who belong to P.C.S. cadre are given the charge of the district after about three times the service put in by the I.A.S. officers who are Regular Recruits or Special Recruits. All India average service that an I.A.S. Regular Recruit puts in before handling the charge of a district comes to about 7 years and 8 months.<sup>13</sup> In the Punjab for the period 19.11.62 to 19.6.68 it comes out to be 7.3 years. V.T. Krishnamachari in his report recommended that the charge of a district should be given to the I.A.S. (Regular Recruits) towards the end of the sixth or in the seventh year of service.<sup>14</sup>

<sup>12</sup>As calculated by Shri P.K. Dave, Joint Secretary, Ministry of Home Affairs—"The Collector in Nineteen Sixties"—Special Issue, *Indian Journal of Public Administration*, July-Sept. 1965, p. 386.

<sup>13</sup>*Ibid.*

<sup>14</sup>V.T. Krishnamachari, *op. cit.*, p. 18.

TABLE

AGE OF DEPUTY COMMISSIONERS IN THE PUNJAB IN RELATION TO THEIR SOURCE OF RECRUITMENT  
FOR THE PERIOD 19-11-1962 TO 19-6-1968

Age Group	I.A.S. (R.R. or S.R.)			I.A.S. (Select List Officers)			P.C.S.		
	Mid. value $x_1$	Frequency $f_1$	$f_1 x_1$	Mid. value $x_1$	Frequency $f_2$	$f_2 x_1$	Mid. value $x_1$	Frequency $f_3$	$f_3 x_1$
28-32	30	10	300	—	—	—	—	—	—
33-37	35	3	105	—	—	—	—	—	—
38-42	40	1	40	—	—	—	40	1	40
43-47	—	—	—	—	—	—	—	—	—
48-52	—	—	—	50	5	250	50	7	350
53-57	—	—	—	55	1	55	55	3	165
Mean = 31.78			Mean = 50.83			Mean = 50.46			

At present I.A.S. officers (Regular Recruits) get chance to work on the post of deputy commissioner at the end of the fifth or sixth year. It appears to be too early a period and officers do not get enough training for the job. On the other hand, P.C.S. officers are given very late promotions to officiate in the post of deputy commissioners and they remain unconfirmed for long periods. Both the situations appear to be bad. The postings of young I.A.S. officers before tenth year of service and P.C.S. officers in late forties or fifties as deputy commissioner appear to be wrong and undesirable. The nature of duty is as such that it requires a little maturity in thought and outlook, agility and active life. Ten years' period may be just sufficient to give maturity and P.C.S. officers when promoted to deputy commissioners towards the end of their service may no longer have any passion left for active outdoor life.<sup>15</sup> Men in thirties may be the best suited. Recently one report pointed out that age has nothing to do with the charge, because in official life one finds young men who are mature and older persons who are immature but what mattered was the experience and that a deputy commissioner should be a person who has put in a sufficient number of years of service and gathered a fund of experience which would help to play his role well.<sup>16</sup> However, there is divergence of opinion about it.

Even a properly recruited, well-trained, well disciplined and enthusiastic official takes quite some time, to get to know his job, his colleagues and the people he has to deal with. The time, when the official just acquires a working knowledge and gains some experience of his job, he is shifted, taking away with him the experience gained and leaving a newcomer to go through the same period of self-training, and to crown that all, even this new comer is also shifted. Another reason for transfer is the manoeuvring by the official concerned for a better station, a better boss, a better post involving patronage of some kind or for an office or department where prospects of promotion are

<sup>15</sup>*Report of the Punjab Police Commission 1961-62*, p. 430. A junior I.A.S. (Direct Recruit) officer can get into the senior scale only after the State Government is satisfied with his performance, experience, etc. At present a junior scale I.A.S. officer gets into the senior scale after 4 years of experience if there is vacancy in the senior scale.

<sup>16</sup>*Report of the Administrative Reorganisation and Economy Committee (1965-67)*, Government of Kerala, 1967, p. 41.

comparatively better. In addition to the expenditure, transfer as a weapon of victimisation or as a means of self-propulsion has, unfortunately, seemed to acquire the character of the most tangible favour or disfavour that government can do. Sometimes officers are transferred mid-stream and in the event of failure of the project or some other defects creeping in, it is absolutely impossible to fix responsibility.

*Assistance to Deputy Commissioner*

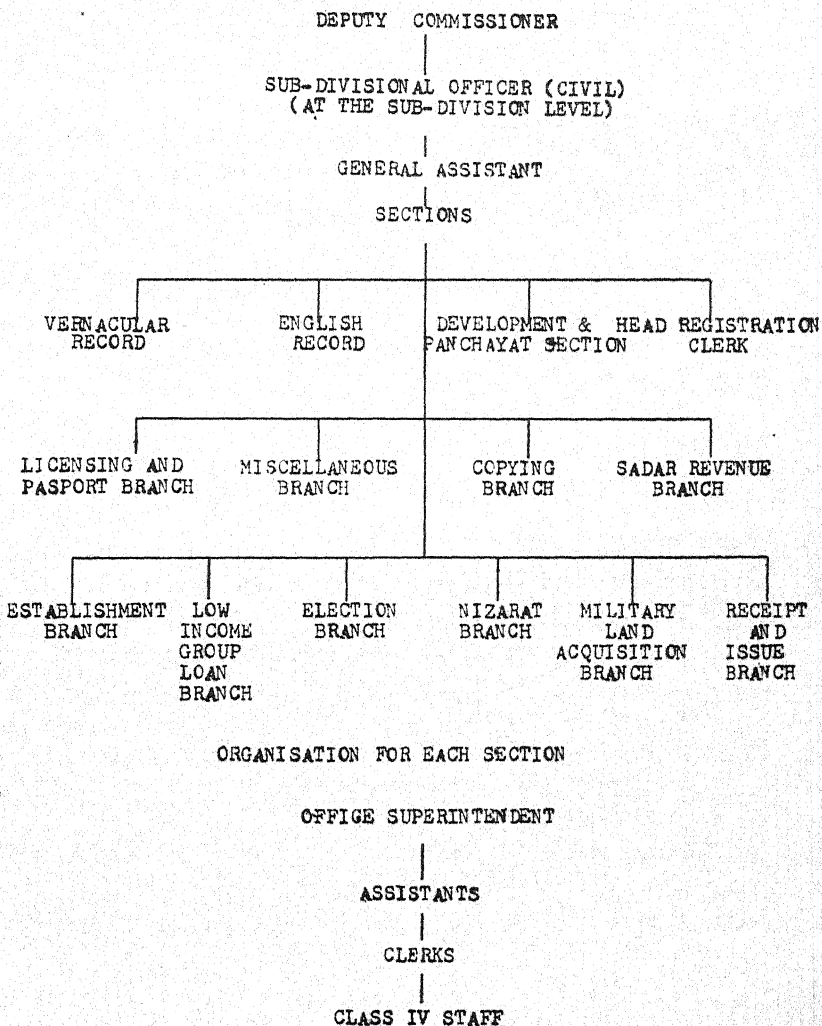
At the district headquarter he has two effective staff officers : (1) General Assistant is the principal administrative officer and attends to routine correspondence, attestation, complaints, etc., and (2) District Development and Panchayat Officer, who coordinates all the development departments. In every sub-division there is a sub-divisional officer (civil) who has practically the same duties as deputy commissioner in relation to the district. There are whole-time executive magistrates, the strength depending on district requirements.

It is through the district office that the deputy commissioner discharges most of his functions;<sup>17</sup> however, he takes the help of other officers as well, e.g., District Treasury Officer, Civil Supplies Officer, Election Officer, etc. But the nerve centre of the whole of administration at the district level is the district office, wherefrom most of the orders and directions flow out. Organisation is essentially the division of functions among a given number of persons. The office is divided into a number of branches, some temporary and others on permanent basis depending upon the nature and extent of the work.

The office is under the general control and supervision of the office superintendent. He guides the functioning of the assistant commissioner. Each branch is headed by an assistant who has to perform two kinds of functions—supervisory and disposal of important cases. An assistant has one or more clerks under him. The assistant has authority to dispose of routine matters pertaining to his branch. All dak is received by the superintendent of the office, who sorts them out into two categories :

<sup>17</sup>In some of the States, the office of the collector is called collectorate. Melony once defined a collector's office as a multiplicity of tails which sometimes singly and sometimes collectively wages a feebly resisting head.





General Organisation Plan of the Deputy Commissioner's Office at District Headquarters

category A—all fresh receipts addressed by name to the officer or marked 'secret' or 'confidential'; category B—all fresh receipts that do not fall into category A. After sorting, the dak of category A is sent immediately in an unopened condition to the officer concerned, who may be the deputy commissioner or any other officer and the other category is sent direct to the dealing assistants.

The number of branches differs from district to district, depending upon the requirements in each case but the more important branches which are present currently along with their functions in almost all the district offices are as follows :

1. *Licensing and Passport* : Registration of vehicles, Issue and Renewal of Driving Licences, Payment of Taxes, Passports for all countries, Grant and Renewal of Arms Licences, etc.
2. *Bills and Nazarat* : Pay and T.A. bills, Local Purchase, Pauper suits, Recruitment of Subordinate staff, etc.
3. *Development Branch* : Development work like Community Development, Panchayati Raj; etc. It is directly under the charge of District Development and Panchayat Officer.
4. *Miscellaneous Branch* : Those subjects which are not classified and which are of miscellaneous nature.
5. *Complaints and Enquiries Branch* : People want to make a number of enquiries and complaints so that prompt action is taken on them, a separate branch has been constituted.
6. *Judicial Record Branch* : Receipts, cheques, places, issues and stores records pertaining to criminal, civil and revenue courts.
7. *Local Fund* : Municipal Committees, their budgets and other resolutions, etc.
8. *Registration Branch* : The Registration of documents, sanction of refund and Impounding of documents, civil marriages, etc.
9. *Copying Agency* : It supplies copies of records kept in judicial and revenue record rooms and accounts for copying fee, etc.

10. *Recordand Issue Branch* : The English Record of all branches and the Receipt and Issue of English correspondence including typing and Library.
11. *Peshi Branch* : Revenue and Criminal, Original and Appellate Work, Lambardari cases, Notices under Civil Procedure code and Inspections of Tahsils, Courts and Sub-Registrars.
12. *Revenue Record Branch* : Land Records, K anungo and Patwari cases, Mutation cases, Famine Assessment and Settlement cases.
13. *Revenue Accounts Branch* : Acquisition and requisition of land, recovery of arrears of land revenue, etc.

#### *Workload in the District Office*

The workload of every branch is assessed from time to time and previously it was calculated on the basis of the average number of receipts per day and thereafter it was assessed on the basis of a fixed norm. In the secretariat each assistant was required to deal with eight receipts per day and on that basis the staff strength was calculated. Later on it was discovered that the number of receipts is not always indicative of the actual work involved in a particular seat. Some receipts may be merely a reminder of a circular capable of being disposed of in two minutes time. Department of Administrative Reforms has now evolved a different method. A study of the various receipts in a particular branch is carried out for full one week and all the receipts are then categorised according to the time required by them for disposal, into various categories. Thereafter the percentages of these categories are projected on the total intake of receipts for the whole year and the hours needed for disposing them are calculated. This gives an estimate of the total work generated by the receipts. Further, there are certain original items which generate work. This workload is also computed by analysing the various operations step by step taking into consideration the time required for each step, and the annual frequency of each operation. This load is added to the workload generated by receipts and with a further addition up to 20 per cent allowed for leisure and relaxation, etc., the sum total of the actual work involved in a particular seat is calculated.

In this way the staffing needs are assessed on the basis of 1900 working hours per year.<sup>18</sup>

In spite of the rapid increase in the developmental activities, the increase of expenditure on the organisation part is not much. The cost of district administration was about Rs. 95 lakhs according to the revised estimates for the year 1949-50, which works out at roughly Rs. 7 lakhs as compared to about Rs. 6 lakhs and a half in the Joint Punjab.<sup>19</sup> Making all allowances for the increase in criminal work and the increased strength of the staff, there has been some increase in recent years but still it is not much as compared to other district level officers of technical departments.

### *Assessment*

Administration in India has been subjected to criticism during the last twenty years. Both praise and blame have fallen to its lot. Some dub it as wooden, bureaucratic, dilatory, inefficient and corrupt while its admirers have very little to show on their back. Paradoxically the government too is aware of the maladies and now and then efforts are being made to plug the loop-holes. Unfortunately the maladies not only persist but appear to be worsening.

With the attainment of freedom, the people have new aspirations and urges which must be adequately met by the administration. The guiding principle of any good system of administration is the security and well-being of the citizens for whom it exists. The citizen expects respect for his feelings and wishes from the administrator requiring genuine humility and fellow feeling. Many people are not satisfied with the current state of administration and paint it as highly unresponsive to the well-being of the public. Such labels reflect both a degree of subsistence and a degree of exaggeration. A concerted drive and a vigorous action is no doubt needed at various joints but despite strains and inadequacies, the system is working but not without friction, rigidity and lack of understanding. In our

<sup>18</sup>However, wherever the researcher has gone there was the general feeling that the office is under-staffed. A very senior official said that the Government seldom sanctions new staff when the new schemes are introduced.

<sup>19</sup>*Report of the Resources and Retrenchment Committee, Government of Punjab (Simla, 1950), pp. 49-50, Clause 67.*

over-enthusiasm to expect too much, we often tend to disregard many more instances of trust well discharged and duty faithfully rendered (these go unnoticed). There is no time to fail with the possible assets we have and there is every reason for us to succeed but it is our duty to provide the framework within which officials can work with sufficient confidence, responsibility and initiative. No one would be susceptible for any change in any direction and in order to strengthen the apparatus and making it action oriented, the cracks in the wall do suggest weaknesses which lie deeper in the structure and the time has come to reflect calmly so that administrative structure does not find itself clogged and pulled back from within.

Despite the new responsibilities and functions the apparatus of district administration has remained basically the same in structure, staffing patterns, control and communications, financial control, etc.<sup>20</sup> The impact of modernisation has a very little effect on the administrative set-up. It is only the inherent strength of the system that it had survived in altogether changed atmosphere. Transition from the law and order and collection of revenue to developmental side is marvellous and in that respect it is efficient. According to Chester Bernard, the only objective test of efficiency is 'survival'. Deputy commissioner is the key officer in the district and due to changed circumstances he needs a lot of more intellectual equipment and practical on-the-job training than he required in the past. The I.C.S. had the advantage of training under senior officers, very much concerned about maintaining the traditions of the service. In the pre-Independence period, it is said that a deputy commissioner looked at a probationer as a "father looks after his son".<sup>21</sup> "I lived with my collector for the period of a year and half and he allowed me not only to see but note on all his work, which naturally taught me my own. At present, the

<sup>20</sup> *Montague Chelmsford Report* (1917) reads "Apart from exceptional areas such as the Presidency Towns, every inch of soil in British India forms part of a district", p. 79.

<sup>21</sup> *Punjab Administrative Reforms Commission Report 1966* (Part II) points out that there are some deputy commissioners who just casually receive an assistant commissioner at the time of his joining a district for training and leave him free so that they have failed to recognise the officer (probationer) when he came to pay his farewell call.

collectors, even if they had the capacity and the disposition, have no time for training probationers. There is also as yet no service tradition in the I.A.S., not only because it is new, but because it is heterogeneous."<sup>22</sup> It is, however, not the intention to suggest that the officers don't take any interest. An I.A.S. officer is working much harder and with greater sincerity and it is "largely due to the nucleus of these competent officers that the administration of the country is running smoothly".<sup>23</sup>

With the assumption of new welfare and development responsibilities undertaken by the government and the increase in the complexity of developmental tasks, the training of I.A.S. probationers has assumed a special significance. The increasing complex service calls for widening and deepening of the traditional knowledge and skills of the administrative services, learning of new techniques and cultivation of new attitudes. The personnel needed to carry these increased burdens cannot be produced ready made by the universities. No matter how much preparatory and professional training may be imparted, in the final analysis the needed personnel must be developed in actual administration. Immediate need is the grounding in rural conditions and taking into consideration this aspect, the period of imparting developmental training of assistant commissioners was raised to six months.<sup>24</sup>

The minimum qualifications for both the I.A.S. and P.C.S. are the same, the method and manner of recruitment are also more or less the same except that the competition for I.A.S. is conducted by the Union Public Service Commission, while for the P.C.S. Punjab Public Service Commission performs the similar rule. There are cases when the candidates who have been rejected by the Punjab Public Service Commission have been selected by the U.P.S.C. in the same or subsequent years and *vice versa*. The position of deputy commissioner has gone

<sup>22</sup>K.L. Punjabi : *The Civil Servant in India* (Bombay, 1965), pp. 224-225.

<sup>23</sup>P.D. Birla : *The Current*, May 23, 1964. According to Shri Birla an I.C.S. Officer before the Second World War got about Rs. 3,000 as salary per month—it was more or less the same now but due to rise of prices it has become difficult for him to keep over his household budget. It is only the patriotism that has put the spirit in the young officers.

<sup>24</sup>Letter No. 5446-ASI-64/20075 dated June 22, 1964 from Chief Secretary to all deputy commissioners in the Punjab.

favourably to both cadres. Many important posts are being manned by the I.A.S. officers who were promoted from the ranks of Punjab Civil Service or who are still in the Punjab Civil Service Cadre. In spite of many precautions which are being taken so that the standards of administrative service may not fall, still more attention need be focussed on promotees to I.A.S. from state civil services because they also handle very responsible jobs.

Recruits to the state service should be well educated, have disciplined minds and intellectual power and possess right personnel qualities and attitudes. Financial and other incentives should be such as to attract men of calibre and high integrity. When we expect so much from the state services, we should see that the officers are well satisfied. In the present arrangements<sup>25</sup> many of the P.C.S. officers are not satisfied due to the limited promotion chances because most of them do not go beyond the senior scale of their service. Due to lack of incentive, frustration might effect the service and it is high time that the situation be not allowed to deteriorate.

Of late there has been an increasing tendency of putting non-cadre officers on cadre posts and in many cases many posts of deputy commissioners are held by officers who are only on the 'Select List'. This is not a healthy practice because it creates a suspicion about the particular incumbent and creates discontent, frustration and apathy among cadre-men who get less and less opportunities to master the work that they are supposed to handle. Some of the I.A.S. officers in the senior scale do not have sufficient experience to be posted as deputy commissioners but there are others above them who are handling posts at the secretariat. By appointing some senior officers who are working in the Secretariat to the districts, we may create a very good regular inter-change of officers between the secretariat and the district. The Punjab Administrative Reforms Commission pointed out, "While we note the glaring disparity in the size of districts in the state, we are not in favour of any form of grading the districts in terms of their size, problems, etc. We could, however, support the principle of regular inter-change of

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<sup>25</sup>The promotion quota is very much limited. Recently their grades have been revised.

I.A.S. officers and superintendents of police between the secretariat and district and field levels. We make this observation because of the tendency we have noticed of officers sticking to the secretariat once they have entered it, whether as secretaries or deputy secretaries.”<sup>26</sup> The traditions of I.C.S. or I.A.S. being an outdoor service are fast dwindling and this tendency needs be checked. The I.C.S. was essentially an outdoor service but unfortunately I.A.S. is increasingly becoming a secretariat service.<sup>27</sup>

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<sup>26</sup>*Punjab Administrative Reforms Commission Report, op. cit.*, para 9.31.

<sup>27</sup>J.M. Lobo Prabhu : “My Work in the I.C.S.”, K.L. Punjabi (Ed.), *op. cit.*, p. 225.



## CHAPTER IV

### DIVISIONAL COMMISSIONER

The states in India follow a common and uniform pattern in having a collector or a deputy commissioner as the head of the district but there is no such uniformity above the district level. In the states of Andhra Pradesh, Kerala, Tamil Nadu and Rajasthan there is one intermediate agency between the district and the secretariat known as Board of Revenue. Maharashtra and Gujarat have one intermediate level in the shape of Commissioners but no Board of Revenue. There is a slight difference in the patterns obtaining in Maharashtra and Gujarat; Commissioners in the former state are located regionally, while in the latter they are located at the State headquarters and their duties are distributed on a functional basis. In these states there is a Revenue Appellate Tribunal in place of the Board of Revenue. The States of Assam, Bihar, Madhya Pradesh, Orissa, Uttar Pradesh and West Bengal have both the institutions, the Boards of Revenue as well as divisional commissioners. The states of Jammu & Kashmir and Punjab have also two intermediate agencies, divisional commissioners and financial commissioners. The latter perform the functions of the Board of Revenue.

The commissioners are the principal authorities in all matters connected with revenue administration and vast powers have been delegated to them. They are invaluable links for the proper understanding, coordination and efficient execution of government policies. The prevailing conditions have put a greater demand on them because their experience, supervision and advice is likely to be utilised in the period of transition that lies ahead of the public services in India. The Royal Commission upon Decentralisation (1907-09) defined the duties of a commissioner in these words, "He should be consulted and have certain powers of control, in respect to the operations of special departments insofar as these affect the general administration or welfare of the people, while abstaining from

intervention in technical details". Chief functions of the commissioner can be discussed under the following heads.

### *Revenue Administration*

There is a plea to remove the commissioner from the revenue side because it is supposed to increase the stages of litigation. He, being the highest authority in the division, hears appeals and revision applications from the orders of the collectors or deputy commissioners. He is the head of the revenue department in his division and enjoys full powers of postings and transfers of revenue officers. He is primarily responsible for recoveries of land revenue and 'taccavi' loans. The annual revenue budgets for all the districts pass through him and he scrutinises them before transmitting them to the government. An administrative survey of a district which was situated in a division where institution of commissioner was abolished pointed out, "one of the important reasons for the deterioration in the working of the district administration in the revenue department appears to be the abolition of the post of divisional commissioner".<sup>1</sup>

### *Maintenance of Law and order*

He controls and directs the district magistrate and superintendent of police for the maintenance of law and order. He can ask for the statement or report from the deputy commissioner on any matter connected with crime or the prevention of disorder. Before the separation of executive from the judiciary was effected, he had to play a leading role to foster smooth relationship between the police and the magistracy. He is required to be in touch with special measures for dealing with special types of crime, "the location of additional police quartered in disturbed areas and the work of the prosecuting agency".<sup>2</sup> In some of the states, the police submits the following reports to the commissioner :

- (a) Superintendent of Police's weekly diary, Part I.
- (b) Monthly Crime Report.
- (c) Annual Police Administration Report.

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<sup>1</sup>Report on the Administrative Survey of the Surat District. The Indian Society of Agricultural Economics (November, 1958), p. 160.

<sup>2</sup>Punjab Police Rules, Vol. I, para 1.14.

Apart from these reports, he has also to deal with certain matters relating to The Arms Act and the Rules framed thereunder and hears appeals against the orders of the district magistrate/sub-divisional magistrates.

### *Coordination of Departments*

For better supervision and regional coordination the commissioner has been given some statutory powers. While the organisational and professional control or technical supervision is the responsibility of the officer of the department concerned, in non-technical matters, the supervision is exercised by him. Applications for the construction of new water course or transfer of water course from one person to another are decided by him in those cases where the deputy commissioner and the divisional canal officer disagree.<sup>3</sup> He also coordinates the execution of flood protection works and sends quarterly progress reports to the government. Regarding public works department, he can accord administrative sanction for works up to Rs. 7,500 and all references about revenue building pass through him. He is the Chairman of the Regional Transport Authority.<sup>4</sup> Supervision and linking the secretariat and the deputy commissioner is very vital and it goes a long way to restore a certain standard of efficiency.<sup>5</sup>

### *Municipal Administration*

He has to perform varied functions under the Municipal Acts and other enactments which concern the work of local bodies. In certain spheres, he is the final authority to pass orders while in many cases he passes on the buck to the higher authorities after giving his comments wherever necessary. The election of the President and the appointment of secretary of second and third class municipal committees is approved by him. Application of the Municipal Fund outside the municipality requires the sanction of the state government who has delegated its power in this behalf to the commissioners.

<sup>3</sup>Northern India Canal and Damage Act, 1873, Sec. 19.

<sup>4</sup>Revenue Boards and Divisional Commissioners, Proceedings of a Seminar (New Delhi, 1963), p. 41.

<sup>5</sup>Report on the Administrative Survey of the Surat District, *op. cit.*, p. 61, para 162.

Appeals against taxation are also sent to him, as also appeals and revisions against the orders of the deputy commissioner in certain cases. Whenever any dispute arises, between two or more municipal committees, the matter is referred to the commissioner of the local authorities concerned in different districts. As regards financial matters, he approves the budgets of municipal committees of first class.<sup>6</sup> There are many cases in which the commissioner only performs supervisory work and sends the cases to the government with his comments. In the case of certain appointments like Municipal Officer of Health and Municipal Engineers, the cases for their approval of appointments are sent to the government through the commissioner. He sends quarterly administrative reports of superseded municipal committees, and inspection reports of the divisional inspector, local bodies. After the setting up of the Directorates of local Bodies in many states like Punjab, Gujarat, Maharashtra, Rajasthan, Kerala, etc., many powers of the Commissioner have been curtailed as regards municipal administration.

### *Supervision of the District Administration*

For the states having a compact area, supervision from state headquarters might be effective, feasible and convenient but for bigger states, the need for an intermediate agency is felt. These days collectors or deputy commissioners are so much burdened with multifarious activities that they require the advice of a senior officer who can act and help them as a friend, philosopher and guide. Democracy based on universal adult franchise has been launched in a vast and under-developed country like India and the requirements for its smooth and efficient working are that the government machinery should know what the public expects and try to meet its demands and desires.<sup>7</sup> The commissioners closely watch whether the public is attended to courteously and promptly. The Administrative Enquiry Committee (1947) recommended the abolition of the system of divisional commissioners in Bombay and in 1950, the system was abolished.<sup>8</sup>

<sup>6</sup>Municipal Account Code Rules, 1952, Rule 11.8.

<sup>7</sup>J.D. Millet : *Management in Public Service* (New York, 1954), p. 148.

<sup>8</sup>The Bombay Commissioners (Abolition of Office) Act, 1950.

Consequent upon the formation of the bi-lingual Bombay state with effect from November 1, 1956, the post was revived<sup>9</sup>, because it was felt that the assistance of officers at an intermediate stage between the secretariat and districts would be required to guide district officers and it would also help the district officers in taking important decisions promptly.

### *Developmental Functions*

He has to arrange extensive tours to see the manner in which the schemes are being implemented by the different agencies at the different levels. He supervises the development work carried on by the Community Development Programme and National Extension Service. In the implementation of programmes of the nature of Panchayati Raj, there builds up, consciously or unconsciously, an extreme distrust of the people in bureaucracy. The main function of the commissioner is the composite of "all the primary and secondary contacts between the bureaucracy and citizens and all the inter-action of influences and attitudes established in these contacts".<sup>10</sup> The traditions of our civil service have mostly been built up during the British regime, when the authority was delegated to popularly elected bodies with one hand and taken away with another, thus killing the very scope of growth of such bodies by a web of safeguards, rules, regulations, etc. The system of government was mostly personal and autocratic, the officers ruled "with an iron hand in a velvet glove", the mission being quick results rather than reform. John Lawrence once said, "Do a thing regularly and legally, if you can do it as well vigorously in that way as irregularly and illegally". The commissioner has to give a lead in improving the tone and working of the local self-government and has to create smooth working relationship between the collector, the members of the Panchayati Raj institution and other officials.

### *Agricultural Production*

Many factors in India like antiquated equipment and old methods of cultivation, a multitude of plant pests and diseases,

<sup>9</sup>Resolution No. RVA-1956-R, Government of Bombay, dated November 1, 1956, para 1.

<sup>10</sup>Words of J.L. McCannly quoted by L.D. White in *Introduction to the Study of Public Administration* (New York, 1955), p. 225.

fragmented holdings, etc., are instrumental in creating a crisis in food production. Extraordinary organisational and administrative measures and actions are required to mobilize the nation to meet the challenge of producing enough food. The responsibility for increasing the production is not individual but the whole administrative set-up is to be overhauled. The commissioner has to carefully see the progress and implementation of plans of the districts. He is expected to pull up where there is laxity and to bring to the notice of the government any shortcomings, etc., in reaching the targets or in the performance of policies so that the dream of making the green revolution a success comes true.

### *Inspections*

Administrative control is the means by which management determines whether objectives are being efficiently reached,<sup>11</sup> and it has been rightly said, "You get what you inspect rather than what you expect." He is supposed to inspect tahsils, sub-divisions, district offices, jails, panchayati raj institutions, treasuries, sub-treasuries, etc. The inspections made by the commissioners are generally very effective mainly because of two reasons : (a) He has ample time to devote for supervisory, touring and coordinating duties ; (b) he is a very senior officer and has passed through all these stages himself.

### *Miscellaneous Functions*

He writes annual confidential reports on the work and conduct of collectors or deputy commissioners, sub-divisional officers and tahsildars, etc. The collector writes his remarks on confidential reports of many district level officers regarding their honesty, accessibility to public and interest taken in development work, and in a number of cases these reports are sent to commissioners for their remarks. Whenever there is emergency, such as floods, famines, etc., he is expected to share the responsibility, guide and supervise the work done by the collectors to meet such calamities.<sup>12</sup> He also performs certain routine functions like dealing with reports regarding damage to stamps and writing off irrecoverable value in such cases up to certain

<sup>11</sup>Dimock & Dimock : *Public Administration* (New York, 1960), p. 425.

<sup>12</sup>S.S. Khera : *District Administration in India* (Bombay, 1965), p. 52.

prescribed limits, and also writing off loss caused by frauds to central or state revenue. He is also associated with the working of a number of committees. He is, for example, the chairman of Regional Transport Authority, House Allotment Committee (senior services), Local Flying Clubs (at some places), Hospital Advisory Committee, Political Sufferers' Committee, etc.

### *Should the Post be Abolished*

The question of the utility of this post has always been debatable. It always was, and continues to be "in a fluid state".<sup>13</sup> Some advocates of the theory of welfare state regard it as redundant and formal, while others emphasise the role of co-ordination, guidance and supervision. In Madhya Pradesh, it was abolished in the year 1948 and revived in 1956. Madras never believed in the utility of this office while in the state of Bombay, the commissioner's posts which were in existence since 1830, were abolished in 1950, but revived in 1958. After bifurcation of Bombay, Gujarat abolished them in 1964. Recently Government of Haryana has also abolished it.

In the opinion of an eminent retired I.C.S. Officer,

"The commissioner was a valuable guide and friend to junior collectors, whom he knew intimately through his tour in the districts and inspection of their offices. In their zeal for power and control of district administration the politicians did not relish this role of the commissioners. Chief Minister Morarji Bhai, therefore, abolished these posts which had been created by statute. Very soon it was found that the district administration suffered and so also the administration in the secretariat. The secretariat could not deal with 28 collectors directly. One of them was entrusted with the duty of inspection of collectors' offices, but even that was not sufficient. This state of affairs continued until the chief minister changed, when the posts of commissioners were revived by introducing special legislation."<sup>14</sup>

<sup>13</sup>A. Awasthi : *Abolition of the Posts of Commissioners in Madhya Pradesh and their Revival* (New Delhi, 1967), p. 39.

<sup>14</sup>K.L. Punjabi (Ed.) : *The Civil Servant in India* (Bombay, 1965), p. 106.

Those who are in favour of retaining and strengthening the post of the commissioner advance the following arguments:

(a) He is a good liaison between the government and the people by implementing and executing the decisions and policies of the government in the field.

(b) He transmits his first hand experience gained from the field which is of immense help to the government and may be called a policy maker indirectly, by implicit or explicit reference, "in his reporting function, to existing weaknesses in the administrative approach, inadequacies in current policies, and emerging problems and issues that warrant top level consideration".<sup>15</sup>

(c) He is a coordinator par excellence. There are a number of administrative departments at the district level. The vast and expanding activities of the governments, the thinning of the span of control would make the effective coordination difficult. Coordination is necessary because of "size and complexity, personalities and political factors, the lack of leaders with wisdom and knowledge pertaining to public administration and the accelerated expansion of public administration to international dimensions".<sup>16</sup>

(d) The commissioner has to supervise, inspect and control the work for district revenue and police officials. Some of the states like Uttar Pradesh (54), Madhya Pradesh (43) and Rajasthan (26) have so many districts that their supervision on a regional basis is a necessity.<sup>17</sup>

(e) He acts as the friend, philosopher and guide to comparatively young and inexperienced collectors and thus imparts good training to them.

(f) The latest trend in India is towards regional planning and development. He can be very instrumental in solving the problems of the region.

(g) Substantial powers can be delegated to him, if need be, which will bring in efficiency and quick disposal. The essence of such delegation is to confer discretion upon officers

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<sup>15</sup>Morstein Marx (Ed.) : *Elements of Public Administration*, p. 411.

<sup>16</sup>Seckler-Hudson : *Organisation and Management*, p. 12.

<sup>17</sup>The numbers in brackets show the number of districts in each state.



to use their judgement in meeting specific problems within the framework of their duties.<sup>18</sup> People can seek justice at a much closer place than the state headquarters.

When the question of retention of the commissionerships came up before the Economy Committee appointed by the Provincial Government in 1937, the Committee observed :

"... In view of the importance of land revenue administration it seems to us necessary to retain divisional heads. In other spheres also there is an advantage in having an officer to act as a link between the purely local view point of the deputy commissioner or collector and impersonal secretariat attitude. Above all we consider that it is just as necessary to control, supervise and guide in this field as it is in every other department."

#### *Alternate View*

Most of the states in India are large, both in area and in the population. The six largest states in India cover about 61 per cent of the area whereas there are small states also like Kerala, Punjab, Haryana, etc., where government is easily accessible even to the remotest districts. There is thus a feeling that in the small states where distances, population and the number of administrative divisions were not great, there was no need to have divisional commissioners. Those who want the abolition of the post of commissioner point out:

(a) The government activities have become much more complex, and division is too large and unwieldy an area. It cannot be an effective unit of administration.

(b) It is very expensive as the post is held by a very senior officer.

(c) It acts as a drag on the prompt execution of schemes by delaying sanctions and insisting upon strict observance of procedures. It adds circumlocution to the already cumbersome official procedures.

(d) It serves to act as a post office without contributing much towards the policy formation and functions dilatorily

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<sup>18</sup>Millet : *op. cit.*, p. 46.

without much sense of urgency or regard for the public experience.

(e) Commissioners are senior and experienced persons and their maturity and intelligence can better be utilised at the headquarters where the policies are being framed.

(f) In these days of quick and ready means of communication and easy availability of the highest authority in the government, viz., ministers, to the people and officers on the spot, an intermediary, i.e., the commissioner is superfluous.

(g) The Commissioners generally perform inspection duties, which function is of course necessary, but not indispensable to the administration of the state.

The Bengal Administrative Enquiry Committee (1944-45) examined the duties of the commissioners and apprehended no difficulty in distributing these duties among other government departments. It further said, "We are in no doubt that the time has come to do away with the appointment of commissioner as a normal instrument of mufassal administration. Doubtless, in an Emergency which required the reinforcement of one or more district officers in the area affected by the emergent conditions, it would be necessary to appoint a special officer, whether called a commissioner or not, to help to deal with the situation."<sup>19</sup>

### *Assessment*

In the Punjab, post of the commissioner was never abolished because he serves as a buffer and a shock absorber between the government and the local administration. He is responsible for giving a unity to the division which is very essential for the developmental activities. Though most of the developmental activities in the division have now become the direct responsibility of one or the other agency, yet a considerable part of development activity exists which required a coordinated direction of a senior officer. The district is becoming more and more important, covering much wider fields, and the coordination of the districts at a level lower than the secretariat is essential.

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<sup>19</sup>Report of the Bengal Administration Enquiry Committee, 1944-45, pp. 33-34.

Young officers with 5-7 years of service have sometimes been posted as deputy commissioners but officers with at least ten years' experience appear to be necessary to take quick decisions on the spot. The commissioner is a person who has worked in the field as district magistrate or sub-divisional officer and subsequently is posted to the secretariat. He has got the field experience and after working for some time at the secretariat level, he frames policy and assists in the administration. After spending about 10 years of service, he is appointed as commissioner and his two-fold experience of execution of policy and supervising capacity helps him to reach the facts.

In some cases, the commissioners have come to be thought of as the fifth wheel in the coach because lot of their time is wasted in correspondence. Some characterise them "merely a channel of communication between the district officers and the government", others describe them as "kings whose subjects are unconscious of their existence" and who wield "some influence but no control". Some regard it as the sign of bureaucratic regime and are not willing to admit that the abolition of commissionership will of necessity involve a loss of efficiency. Even if it did, they still advocate their abolition for the simple desire to have a more democratic form of government because circumstances have changed. The British encouraged this system because it suited them in the realisation of the two subjects it had in view, namely, the collection of revenue and the consolidation of its authority in an alien land. In their enthusiasm they forget that commissioners are invaluable agents for proper understanding, coordination and efficient execution of the policy. In fact their importance and presence should not be lost sight of.

The utility of the office of commissioner was recognised consistently by the various Reports, *i.e.*, the Civil Finance Committee of Lord William Bentick (1828-35), the Orissa Famine Commission Report (1886), the Indian Famine Commission Report (1880), the Report of the Royal Commission on Decentralization (1907-09), and even by the Report of the Bengal Administrative Enquiry (Rowlands) Committee (1944-45). The Presiding officer of Orissa Famine Commission, Sir George Campbell regarded the Board of Revenue as an unnecessary

bottleneck and the Indian Famine Commission agreed with them. Holt Mackenzie, an eminent Bengal civilian, who shaped the administrative reforms of Bentick had similar views. Decentralisation Commission was of the considered view that the abolition of commissionerships would be 'extremely undesirable', and 'would inevitably lead to increased centralisation', in the secretariats, thus defeating the primary object of creation of their institution which was "to provide relief to the headquarters authorities, and a more expeditious disposal of public business". The Board of Revenue continued, in spite of all the above objections, presumably because it offered added scope of promotion to superior stations in the civil service.

The matter was recently considered by the Administrative Reforms Commission. The Study Team on State Level Administration (Chairman : Shri H.M. Channabasappa) strongly recommended its retention and was in favour of giving him more powers, "the decisions of the Divisional Commissioner should be made final and the scope for appeals against his order should be strictly limited. It will also be useful for the State Governments to delegate to the Divisional Commissioner appropriate statutory functions."<sup>20</sup> The Study Team on District Administration (Chairman : Shri Takhatmal Jain) recommended that in the larger states at least, posts of commissioners appear to be essential. They should be given a distinct place in the organisational pattern of the state and made effective by the adequate delegations. In smaller states, such as Kerala, Punjab, Haryana, the post of commissioner may not be required.<sup>21</sup> The final Report of the Commission did not agree with both the study teams, recommendations and felt that though the concepts of coordination and supervision are *prima facie* attractive, in actual practice these only result in curbing the initiative and responsibility of the officer. Further, "the Ministers now-a-days tour the district frequently and problems of coordination are bound to come to their notice. In these days when there are facilities for speedy communication, the collector can in an emergency, easily get in touch with the headquarters of the

<sup>20</sup>Report of the Study Team on State Level Administration, 1968, Administrative Reforms Commission (New Delhi), p. 59.

<sup>21</sup>Report of the Study Team on District Administration, 1967, Administrative Reforms Commission (New Delhi), p. 108.

state. There will hardly be any need for referring matters to an intermediate authority who, most often, refers them, in his turn, to Government. We are, therefore, of the view that there is no need for an authority like the Divisional Commissioner functioning as an intermediate authority and exercising supervision over the District Collector.<sup>22</sup>

People of the Punjab, it has been said, are easily excited. The establishing influence of a senior officer is very necessary. The consensus of opinion is that the position of the commissioner should be strengthened so that his role as a coordinator and guide at the regional level may be effectively performed. The commissioners should also try to adjust themselves to the new role, and should assume other new job to be "not the administration of five districts as a group, but the direct charge of five districts instead of one".<sup>23</sup>

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<sup>22</sup>*Report of the Administrative Reforms Commission on State Administration*, 1969, p. 64.

<sup>23</sup>Phillip Woodruff : *The Men who Rules India*, *The Guardian* (London, 1953), p. 216.

## CHAPTER V

### DEPUTY COMMISSIONER AS COLLECTOR

In India whoever regulates the assessment of the land, really holds the mainspring of the country.<sup>1</sup> Warren Hastings and his Council at Fort William issued on May 11, 1772, a general proclamation and nominated the supervisors of the East India Company as collectors, vesting them with the executive powers of management and collection of revenue.<sup>2</sup> The deputy commissioner as collector is the head of the revenue administration in the district and although it no longer claims the major share of his attention, it still remains his "home ground", for which he, and he alone, is responsible to the government through the financial commissioner. Being the highest revenue authority in the district, he is to keep accurate and up-to-date maintenance of records of rights as regards the lands.

The word revenue does not convey a clear picture of the work of deputy commissioner as collector. His duties as collector include looking after the general interests and welfare of the cultivator insofar as they relate to cultivation and allied matters on which he depends for his living. The collector also decides the rights of tenants, such as mutation, encroachment, land acquisition, etc. His duties range from collection of revenue to the Indian Treasure-Trove Act when on receipt of any information that the treasure has been found, he has to report the fact direct to the state government stating the name and the nature of the treasure and its approximate value and also advises whether it should be acquired or not. He can purchase any coins whether they are of gold, silver or copper which appear to be old enough.<sup>3</sup>

<sup>1</sup>Selections from Revenue Records of the N.W. Provinces (Allahabad, 1873), p. 65.

<sup>2</sup>The office of the collector for the first time was created by the government of Warren Hastings on May 14, 1772.

<sup>3</sup>The Indian Treasure-Trove (Punjab Amendment) Act No. 24 of 1960, Secs. 6 & 7.

The keynote of district administration is that the collector must have personal touch with all aspects of the work and that every aspect should carry his own imprint. Personal assistance is no doubt sometimes provided but it does not mean that his authority as collector has diminished, but assistance is granted so that more matters may be able to be disposed of by him in the minimum possible time.<sup>4</sup> He is responsible for seeing that all government properties in the district are well cared for, and in normal agricultural distress or in emergencies like flood, drought, scarcity, outbreak of epidemics, etc., difficulties and hardships of the people are quickly and effectively remedied. He provides supplies for a body of troops about to proceed by land or water through any part of his district and helps them by providing boats, constructing temporary bridges, etc. He also maintains in good condition all established encamping grounds outside cantonments within his jurisdiction. He is responsible for crediting various receipts into the district treasury which is under his general charge. Every money lender in the district applies for registration of his name at the office of the collector of the district, and his name is registered when the collector issues a licence.<sup>5</sup> Collector may take proceedings *suo motu* or in the application of any person interested for the cancellation of a money-lender's licence.<sup>6</sup> The importance of the collector has been highlighted in the Punjab Land Administration Manual as :

“The officer entrusted with the duty of realizing the land revenue, is not a mere rent collector, especially in a province like the Punjab where the demand is fixed for a period only, and the state continues to have a direct and immediate interest in the improvement of the land. His position is rather that of the steward of a great landowner. As such, he is bound to respect, and preserve from encroachment by others every private right in the soil which has been created or confirmed by the state. Where the revenue has been fixed for a term only, he has not only to collect it, but also to look forward to a time when it will be revised, and to collect and

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<sup>4</sup>*Report of the District Revenue Administration Enquiry Committee, Government of Madras, Vol. I (March, 1955), p. 64.*

<sup>5</sup>Punjab Registration of Money Lenders' Act, 1938, Secs. 4 & 5.

<sup>6</sup>*Ibid.*, Sec. 7(2).

record in a systematic manner statistical information which will facilitate its equitable re-assessment. He must intimate and assist measures to prevent so far as may be possible the loss of crops from causes which are in any degree controllable by men and must prepare in ordinary times for those graver calamities which produce intense and widespread scarcity of food. He must encourage and assist every effort made by right holders for the development of their estates."<sup>7</sup>

Before partition the Punjab had 29 districts. The Punjab was annexed on March 30, 1849 but was not attached to any presidency but simply annexed to the British Dominion, hence the regulations did not apply to it. A single chief commissioner was substituted by a financial commissioner and judicial commissioner as the chief revenue and judicial authority under the government.<sup>8</sup> The land revenue system was governed by the Thomson's Directions for Settlement Officers and Collectors.<sup>9</sup> The foundations of the existing system of land revenue settlement in the Punjab were laid by the Regulation VIII of 1822 and Regulation IX of 1833.<sup>10</sup> Punjab Land Revenue Act was passed in 1887 to amend and declare the law in force in the Punjab with respect to the making and maintenance of record of rights in the land; the assessment and collection of land revenue and other matters relating to land and the liabilities incident thereto and this Act mainly governs the land revenue administration in the Punjab.<sup>11</sup>

The total area of the Punjab after reorganisation is 50,230 sq. km. and a population of 1,11,35,069 divided into 11 districts each under the charge of a deputy commissioner.<sup>12</sup> These districts are grouped into two divisions, each under a

<sup>7</sup>The Punjab Land Administration Manual, para 2.

<sup>8</sup>Government of India Notification No. 660, dated February 4, 1853.

<sup>9</sup>These Directions appeared in the form of pamphlets between 1844 and 1848.

<sup>10</sup>The revenue policy of the Punjab was also moulded to some extent by officers who had administered districts and made Settlement in the North Western Provinces and had been sent to the Punjab.

<sup>11</sup>There are many other Acts as well, e.g., The Punjab Tenancy Act, 1887, The Punjab Security of Land Tenures Act, 1953, The Pepsu Tenancy Agricultural Lands Act, 1955, etc.

<sup>12</sup>Census of India Reports 1961, Vol. XIII, Part 11-A.



commissioner.<sup>13</sup> The commissioner exercises control over all the revenue offices and courts in his division and is himself subject to the general superintendence and control of the financial commissioner (revenue), who is the head of the revenue administration in the state. At the headquarters of a district, there are, in addition to large ministerial staff, several officers appointed by the state government who exercise executive and judicial functions. They are known as assistant commissioners if they are members of the I.A.S. and extra assistant commissioners if they belong to the P.C.S. One of the extra assistant commissioners chosen for his special aptitude for revenue work and called the revenue assistant used to devote whole of his time to matters relating to land administration. Any person may be conferred the powers of a collector by the state government regarding the provisions of the Punjab Land Revenue Act, 1887.<sup>14</sup>

### HIERARCHICAL CHART OF REVENUE

#### ADMINISTRATION AT THE DISTRICT LEVEL AND BELOW

<i>Officials</i>	<i>Area of operation</i>
Collector	District
Officer-Incharge of Development	District
Sub-Divisional Officer (Civil)	Sub-Division or Tahsil
Tahsildar	Tahsil
Naib Tahsildar	Part of Tahsil
Kanungos	(Kanungo circle comprising of about 90 villages)
Patwaris	Patwari Circle

There is no common pattern of intermediate agencies between the state government and the collector. The states of Andhra Pradesh, Gujarat, Madras and Kerala have one intermediate

<sup>13</sup>Census of India Reports No. 1 of 1962.

<sup>14</sup>Notification No. 8013 dated March 16, 1922. Notification No. 718-SG-4213663-5 dated July 16, 1942. No. 1855-E (S) dated July 10, 1946. No. 1856-E(S) dated July 10, 1946. P.G. Not. No. 4440-G-50/1-2976 dated July 8, 1950. P.G. Not. No. 345-G-55/5675 dated February 4, 1955 P.G. Not. No. 806-E and T-55/820 dated March 10, 1955. P.G. Not. No. 4997-E & T (VU, 57/67 dated January 4, 1958—P.G. Not. No. 8650-G-1-59/21029 dated October 28, 1958.

agency in the form of the Board of Revenue and there are no divisional commissioners. The state of Maharashtra has only one intermediate link in the form of divisional commissioners and it has no Board of Revenue. In the northern states, there is provision for two intermediate agencies in the form of divisional commissioners and Boards of Revenue. The states of Jammu & Kashmir, Haryana and the Punjab, have financial commissioners in the place of Boards of Revenue.

The office and the court of the deputy commissioner along with other subordinate offices/courts at the district headquarters are commonly called "kutcheries". The collector's office has many branches, each under the charge of an office assistant. Every assistant is assisted by one or more clerks. All the branches dealing with revenue matters are under the direct supervision of the Assistant Superintendent (Revenue and Records) and he supervises (i) Peshi Branch, (ii) Sadar Kanungo's Branch, (iii) District Revenue Accountant's Branch, (iv) Vernacular Record Room, (v) Copying Agency, and (vi) Rehabilitation. Most of the work relating to land revenue administration is carried on in Sadar Kanungo's Branch. The District Revenue Accountant's Branch is under the charge of an office assistant known as District Revenue Accountant (D.R.A.).

A district is further divided into several tahsils to each of which a tahsildar and one or more naib-tahsildars are appointed. They exercise administrative and judicial functions within the limits of their own tahsils. Some bigger tahsils have one or more sub-tahsils which is/are under the charge of a naib-tahsildar. Almost all the tahsils of the Punjab have been converted into sub-divisions and placed under the charge of a sub-divisional officer who is a member either of the I.A.S. or of the P.C.S.<sup>15</sup>

In the sub-division the sub-divisional officer performs the revenue functions of the revenue assistant. Sub-divisional system is not a recent creation but grew under the pressure of circumstances.<sup>16</sup> Sub-divisional officer was also appointed as a

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<sup>15</sup>The term sub-divisional officer seems to follow the Madras pattern where the S.D.O. is called a revenue divisional officer. The boundaries of the Tahsils are not co-terminus with the boundaries of the sub-division.

<sup>16</sup>C.E. Buckland : *Bengal Under the Lieutenant Governors*, Vol. 1 (Calcutta, 1902), 219.

magistrate of the division by the Criminal Procedure Code of 1861. Similarly, European assistants were appointed for detailed management of the sub-divisions of the district.<sup>17</sup> As regards the nature of the sub-divisional officer, Fletcher Committee said, "What is required is an officer of sufficient education, background and imagination working in a small area, enough to be able to provide guidance and help at personal level. Our aim, therefore, is to have an officer with the necessary ability for these functions, to give him the time from routine to know his area thoroughly and thereby to establish the necessary personal equations, and to give him the overall authority to act immediately, effectively and in a practical way for the development and progress of the people."<sup>18</sup>

TABLE  
SHOWING THE POSTS OF SUB-DIVISIONAL OFFICERS IN  
PUNJAB AS ON JANUARY 1, 1968

<i>Name of the district</i>	<i>No. of Sub-divisions</i>	<i>No. of S.D.O.'s in I.A.S. Cadre</i>	<i>No. of S.D.O.'s P.C.S. Cadre</i>
Jullundur	4	1	3
Hoshiarpur	3	—	3
Ludhiana	3	—	3
Ferozepur	5	2	3
Amritsar	4	1	3
Gurdaspur	3	2	1
Kapurthala	2	—	2
Patiala	4	2	2
Sangrur	3	—	3
Bhatinda	3	—	3
Rupar	3	1	2
Total	37	9	28

<sup>17</sup>K.N.V. Shastri : *Munro System of British Statesmanship in India* (Mysore University, 1938). Paper No XXXI. Indian deputies were appointed to assist the collector in civil matters in 1773. Refer H. Dodwell, *Cambridge History of India*, Vol. V, (Delhi, 1957), p. 418.

<sup>18</sup>*Report on the Reorganisation of District Administration in Punjab*, 1953, p. 16.

Each tahsil is divided into a number of kanungo circles each under the charge of field kanungo, who is to supervise a number of patwar circles each of which is under the charge of a patwari. To aid deputy commissioners and commissioners in the maintenance of records of rights and revenue registers, and to advise the financial commissioner and government on these matters and on measures for the promotion of agricultural efficiency, an officer, known as the Director of Land Records is appointed. He has no administrative functions, his business is simply to inspect, advice, record and report. His appointment is in no way intended to set aside the powers and responsibilities belonging to collectors and commissioners and the financial commissioners in connection with every branch of revenue administration.<sup>19</sup> In addition to the financial commissioner (revenue) who is also the secretary (revenue and consolidation) to the Government of Punjab, there is in the state one more financial commissioner (excise and taxation). These financial commissioners are appointed under the Punjab Land Revenue Act, 1887.<sup>20</sup> The main functions of financial commissioners are : (a) appellate authority to hear appeals and revision in revenue cases, (b) control of revenue administration, (c) duties under various statutes, (d) selection of officers for certain posts and transfers and promotions of some categories of officers, (e) to tender advice to the government, (f) to assist the government in any inquiry of some importance.

The collector is the fiscal agent of the government in the district. Main functions of the collector are discussed below.

### *Supervision*

Supervision is a compound of two words "super" and "vision", meaning superior power of perceiving. Briefly put, it would imply overseeing or superintending the work of others. It has been defined as "direction, accompanied by authority, of the work of others".

<sup>19</sup>Paragraph 207 of Land Administration Manual, Financial Commissioner letter No. 3420 dated May 10, 1916, to the Director of Land Records. A Director of Land Records was first appointed in 1885. For duties of the Director of Land Records, see *Punjab Land Records Manual*, Ch. 1.

<sup>20</sup>The Punjab Land Revenue Act, 1887, Sec. 7.

(i) **Supervision of the work of tahsildars and naib-tahsildars:**

In tahsils which have not yet been converted into sub-divisions, the tahsildar continues to be the "principal agent",<sup>21</sup> of the deputy commissioner and his revenue duties are so important that there has been occasionally a tendency to make him "all in all".<sup>22</sup>

Tahsildar enjoys a good prestige in his tahsil. He is not expected to hear any civil suits but his magisterial work is important. His efficiency, more than that of any other officer in the district, except the revenue assistant, depends on his capacity for revenue work. No degree of excellence in other respects can atone for failure properly to direct and control the patwari and kanungo agency, to collect the revenue punctually where the people are able to pay "to point out promptly to the collector any failure of crops or calamity of season, which renders suspensions or remissions necessary, and to carry out, within his own sphere, the other duties connected with land administration which are necessary".<sup>23</sup> There is no substantial difference between the duties of tahsildars and the naib-tahsildars excepting that the tahsildars have been invested with the powers of assistant collector 1st Grade under the Punjab Land Revenue Act with regard to the partition cases only whereas the naib-tahsildars are the assistant collectors of 2nd Grade for all purposes. In criminal powers also they differ, the tahsildars are normally the magistrates II Class and the naib-tahsildars those of III class. In Some States Tahsildars and Magistrate I Class under the existing arrangements, both of them divide the tahsil area equally between themselves and thus, they exercise direct control in revenue matters in separate parts of the tahsil area. These are exchanged every 6 months. Before 1963, an assistant or extra assistant commissioner was posted to every district under the supervision of the deputy commissioner to act as revenue assistant. He devoted the maximum of his time to the revenue business of the district but now his functions are performed by the sub-divisional officers with the help of tahsildars and naib-tahsildars.

<sup>21</sup>Punjab Land Administration Manual, 1931, *op. cit.*, para, 24.

<sup>22</sup>*Ibid.*

<sup>23</sup>Land Administration Manual, 1937, para, 241.

(ii) **Supervision of Consolidation Works** : With the object of consolidating holdings in any estate or group of estates for the purpose of better cultivation of lands, the government may make a scheme for the consolidation of holdings in such estate or estates. The government appoints a consolidation officer with a power to enter upon land for purposes of survey and demarcation.<sup>24</sup> The consolidation is done to prevent fragmentation with a view to saving the cost of labour of the tiller and to increase the agricultural production. The revenue officers for mutation work are required to give immediate attention to all mutations applied for to give effect to schemes of consolidation.<sup>25</sup> All mutations, not attested within a period of two years, are shown in the quarter business returns of revenue work for each district by tahsils. A list is prepared in each tahsil and supplied to the tahsildar or naib-tahsildar concerned so that special steps may be taken to ensure that all such mutations will be attested at once, if possible. Any mutation which remains unattested is entered in a special list, with reasons showing why each mutation could not be attested and such lists are forwarded to the collector for information. The supervision of consolidation work is done by the collector to whom the regular reports about consolidation are sent.<sup>26</sup>

#### *Kanungo's and Patwari's Establishment*

Each kanungo's charge comprises about 15 to 20 patwar circles (about 80-90 villages) which are under the charge of a patwari. The duties of a kanungo are of a supervisory nature. He is "a man of status" being one important and the only link between the tahsil officer and the patwari.<sup>27</sup> Each tahsildar has been provided with an office kanungo whose main duty is to consolidate the information. Similarly, at the deputy commissioner's office, there is a sadar kanungo who, *inter alia*, is in charge of the patwaris' and kanungos' establishments

<sup>24</sup>The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, Sec. 37.

<sup>25</sup>Director of Land Records Circular No. 66 dated June 1, 1934.

<sup>26</sup>Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949, Rule No. 14 (ix).

<sup>27</sup>Republished Report on the Reorganisation of Tahsil Administration in the Punjab, prepared by Reorganisation Unit of Revenue Department, Punjab, p. 26.

and carries out inspections of patwari circles and kanungos in addition to those by tahsildars. For the purpose of making the information contained in the revenue records accessible to litigating public and to the courts, a special kanungo or patwari moharir has been appointed in all the districts of the Punjab.<sup>28</sup> A field kanungo is responsible for the work and conduct of the patwaris in his charge and it is his duty to report bad work or neglect of duty or misconduct on the part of any patwari for the orders of the revenue officers to whom he is subordinate.

TABLE  
SHOWING BREAK-UP OF THE DISTRICTS AS REGARDS  
CONSOLIDATION WORK  
(Area Consolidated in lakh acres)

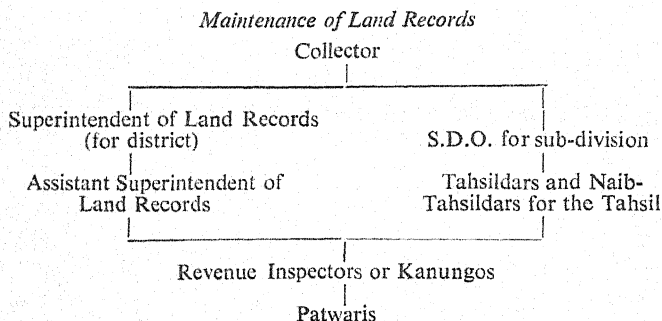
<i>District</i>	<i>Area to be consolidated</i>	<i>Area consolidated up to March, 1967</i>	<i>Balance</i>
Jullundur	7.59	7.52	0.07
Ferozepur	24.25	23.97	0.28
Ludhiana	7.61	7.52	0.09
Gurdaspur	7.71	7.68	0.03
Hoshiarpur	7.15	6.29	0.86
Amritsar	11.66	11.66	—
Patiala	12.85	12.84	0.01
Sangrur	12.60	12.57	0.03
Bhatinda	16.97	16.94	0.03
Kapurthala	3.69	3.69	—
Rupar	4.26	3.76	0.50

*Lakh Acres*

Total Area of the State	116.90
Total Area due for consolidation	116.34
Area consolidated up to March 31, 1967	114.44
Balance to be consolidated	1.90

<sup>28</sup>For the rules for the utilisation of the Services of the Special Kanungo—Refer to Rules and Orders of the High Court of Judicature at Lahore Vol. I, Chapter 9. For Kanungos, the Punjab Kanungo Service Rules, 1935. See also Financial Commissioner's notification No. 420-E dated January 29, 1935.

The lowest but very important field official is patwari. His duties include conducting surveys, field inspections, recording of crops, revision of maps or reports relating to mutations, partitions, revenue or rent, taccavi, etc. Under the orders of the collector, he prepares the records of rights. He is also required to assist the relief of agricultural distress or census operations. He reports the crimes and prepares maps to illustrate police enquiries. Preparation of *Dhal Bachh* (papers regarding distribution of revenue over holdings) is his special duty.



For the purposes of the preparation of the annual record, the collector checks that the patwari keeps a register of mutations.

He helps in the training of young officers and in framing the programmes of work for the revenue officers. The promotions, transfers and punishments are in the hands of the collector.

#### *Appointments of Lambardars*

The unit of revenue administration in the Punjab is the estate which is usually identical with the village. Of these estates, large and small, a tahsil as a rule contains from two to four hundred villages. Each of them is separately assessed to land revenue which is the business of the deputy commissioner to collect, and has a separate record of rights and register of fiscal and agricultural statistics, which it is his duty to maintain. All its proprietors are by law jointly responsible for the payment

<sup>20</sup>Punjab Land Revenue Act, 1887, Sec. 33. The Annual Record should consist usually of : (a) the Jamabandi, (b) a list of revenue assignments and pensions and (c) such maps as are required to show the changes in the map of the estate that have occurred since the previous record was prepared.



of its land revenue, and in their dealings with government they are represented by one or more headmen or lambardars. To make it still more effective, clusters of villages, which are united by the bond of tribal or historical association or of common interests, are usually formed into circles or zails over each of which is appointed a zaildar chosen by the deputy commissioner from among the leading village headmen. The zaildars receive their emoluments from government by a deduction from the land revenue, the headmen are paid by the communities which they represent by a surcharge of five per cent on the revenue. Together they form a valuable unofficial agency, through which the deputy commissioner and the tahsildar convey the wishes of government to the people and secure the carrying out of their orders.<sup>30</sup> In making appointments as lambardars, the collector has to pay regard among other matters to : (a) his hereditary claims, (b) extent of property in the estate possessed by the candidate, (c) services rendered to the state by himself or by his family, (d) his personal influence, character, ability and freedom from indebtedness, (e) the strength and importance of the community from which selection of a headman is to be made,<sup>31</sup> (f) services rendered by himself or by his family in the national movements to secure freedom of India.<sup>32</sup> In order to enable him to perform duties better it is desirable that he should be representative of some large class of landholders. It is an elementary principle in lambardari cases that the collector's choice not be interfered with unless it suffers from some illegality or impropriety.<sup>33</sup> As regards the dismissal of village officers the financial commissioner would properly interfere if there had been such denial of natural justice as would be involved in dismissing a man without hearing him or if the offence for which he had been dismissed was not one of those which under land

<sup>30</sup>Land Administration Manual, 1931, para 204. In the Punjab Zaildari has since been abolished. The institutions of Zaildars were revived in 1950 in some districts but again abolished in 1954, because of opposition by press and public (Draft Report on the *Reorganisation of Tahsil Administration in the Punjab*, paras 2-4).

<sup>31</sup>Land Administration Acts Vol. II, para 31, made under Sec. 28 of the Act, Land Revenue Rule No. 15.

<sup>32</sup>Added by Punjab Government Notification No. 7881-R-59/110 dated May 8, 1954.

<sup>33</sup>Ghasita Singh vs. Ram Lal 1961. 40 Law Times, 56. Also Shankar Singh vs. Piara Singh, 1958, 37, *Lahore Law Times*, 63.

revenue rules justify dismissal. But where there is no such material irregularity or manifest illegality, the financial commissioners generally do not take notice.<sup>34</sup>

The lambardars till recently formed a powerful agency and the hereditary claim to the office made it all the more important. With the emergence of the local panchayats, the institution of lambardar's office is losing prestige. Now they are not held in that high esteem because of the lack of interest shown by them. The reasons for this apathy are : Firstly, 5 per cent commission on collections is not attractive particularly because of the botheration and consumption of time and energy. Secondly, the land revenue administration has become more complex by levy of surcharge on land revenue, special charge on land revenue, cess on commercial crops and the like but most of the lambardars are illiterate.

### *Inspections*

Kautilya in *Arthashastra* (321-296 B.C.) says, "While engaged in work, they shall be daily examined: for men are naturally fickle-minded, and, like horses at work, exhibit constant change in their temper. Hence the agency and tools which they make use of, the place and time of the work they are engaged in, as well as the precise form of the work, the outlay, and the results shall always be ascertained. Without dissension and without any concert among themselves, they shall carry on their work as ordered."<sup>35</sup> Inspection is a time honoured mode of supervision and control, of ensuring compliance with the prescribed rules, regulations, standards and procedures.

In Uttar Pradesh, a member of the Board of Revenue inspects the commissioner's office, the collector's office and the tahsil office. The divisional commissioner inspects the collector's office, the tahsil offices and blocks. The collector inspects tahsil offices, police stations in the capacity of a D.M., blocks, panchayats, etc. Sometimes additional district magistrate carries out inspections on behalf of the collector. In the Punjab also, there is the system of internal vertical inspection, *i.e.*,

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<sup>34</sup>1958/37 *Lahore Law Times* 82—choice not to be interfered with unless there are cogent and compelling reasons for interference.

<sup>35</sup>R. Shamasastri (Trans.) : *Kautilya's Arthashastra* (Mysore, 1956), Book II, Ch. IX, p. 68.

inspection of the offices at a particular level by the officers of the superior levels. The deputy commissioner and the commissioner do carry out certain inspections of a horizontal character.<sup>36</sup> The deputy commissioner can carry out surprise checks of the district offices of any department.

In order to acquaint himself with all the areas of his district, the collector has to do extensive touring. He is required to make at least 67 night halts during his touring. During such tours he does the Jamabandi<sup>37</sup> audits and inspects the tahsil offices. He is supposed to observe the following schedule :

1. Monthly inspection of court attendance registers.
2. Supervising visits to check punctuality of courts on executive side.
3. Monthly inspection of jails.
4. Occasional inspection of the collectorate offices at headquarters.
5. Annual inspection of the sadar treasury during rainy season (before commissioner's inspection of the treasury).
6. Annual inspection of each police station if possible (para 9 of Police Regulations).
7. Annual Inspection of supply offices.
8. Inspection of each tahsil and a few departments.

In his tours he inspects dispensaries, police stations, registration offices, the progress of minor irrigation works. He supervises waste land reclamations and listens to the public complaints. He checks up the progress of road construction and consolidation of holdings. He is required to submit monthly, or sometimes even less frequently, tour diaries to the commissioner, mentioning the date, name of the place visited, general condition of the area visited, state of crops, public feelings and health, etc. Of late the interest in the touring is on the decrease, no collector stays more than one day in one village. A district officer said to Mr. Hugh Tinker, "I am trained to

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<sup>36</sup>For example Cf. Community Development Blocks, Panchayat Samitis and Zila Parishads.

<sup>37</sup>Jamabandi is an annual settlement of land revenue accounts.

find out all I need to know in one day” and another younger official said, “Frankly, I do not like to spend a night in a village, I have nothing to say to the villagers, nor have they to me.”<sup>38</sup>

### *Inspection of Girdawaris*

The object of harvest inspections<sup>39</sup> is to collect accurate information regarding : (a) crops, (b) changes in rights, rents and possessions of land, (c) amendments required in the village map. The first is indispensable for the assessment and collection of land revenue, the second and the third are aids to the maintenance of a true record of rights in the soil. The date on which the inspection of each harvest shall commence is fixed for each district by the commissioner as its special circumstances require. But in the absence of any special order, the inspection of each harvest commences as follows:

Kharif	:	1st October
Rabi	:	1st March

And extra rabi crops, such as melons and tobacco are grown which cannot be observed in March, the patwari shall make an inspection of these immediately after April 15. When for any reason the ripening of the crops is later than usual, the deputy commissioner may postpone the inspection for a period not exceeding fifteen days.<sup>40</sup> Many deputy commissioners do not have enough of rural bias, therefore the inspections are not very effective. “The district officer, not having risen from the ranks, is often handicapped by the fact that he is inspecting work with which he has no direct acquaintance and which is far more familiar to the inspected official than himself. The inspectee takes full advantage of the situation and is even ready to obscure the points at issue with the thickest clouds of dust.”<sup>41</sup>

<sup>38</sup>Hugh Tinker : “Authority and Community in Village India”, *Pacific Affairs*, Vol. XXXII, No. 4, Dec. 1959, p. 370.

<sup>39</sup>The Punjab Land Records Manual, Ch. 9.

<sup>40</sup>The basic procedure for the correction of wrong Khasra Girdawari (Harvest Inspection Book) entries is prescribed in para 9.9 of the Records Manual, and these provisions were relaxed, to some extent, *vide* Memorandum No. 13722 R-52/7354 dated December 22, 1952, from the Under Secretary to the Government of Punjab, Revenue Department to all Deputy Commissioners in the State.

<sup>41</sup>R.D. Macleod : *Impressions of an Indian Civil Servant* (London, 1938), p. 84.

*Cases Under Indian Stamp Act*

All stamps are kept in the district treasury and issued to licensed stamp-vendors, who supply them to various courts, the Bar, and the public generally. The value of the stamps in the treasury often amounts to lakhs of rupees and the collector is responsible for their safe custody. He has also a number of duties in connection with the stamping of instruments and the impounding of unstamped or inadequately stamped documents.

When any instrument, whether executed or not and whether previously stamped or not, is brought to the collector and the person bringing it applies to have his opinion as to the duty (if any) with which it is chargeable and pays a fee (as the collector may direct),<sup>42</sup> the collector determines the duty if any with which in his judgment, the instrument is chargeable.<sup>43</sup> When the collector comes to the conclusion that it is already fully stamped or when the duty has been paid he certifies by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.<sup>44</sup> The collector has the power to stamp instruments impounded.<sup>45</sup>

*Cases Under the Restitution of Mortgaged Lands Act*

A mortgager may at any time present a petition to the collector praying for restitution of possession of the land mortgaged. On receipt of such a petition the collector makes enquiries and records an order in writing if he finds that the value of the benefits enjoyed by the mortgagee, while in possession, equal or exceed twice the amount of the principal sum originally advanced under the mortgage order that : (a) the mortgage is extinguished, and (b) where the mortgagee is still in possession that the mortgager be put into possession of the mortgaged land as against the mortgagee and that the title deeds, if any, be restored to the mortgager.<sup>46</sup> If the collector finds that the value of the benefits enjoyed by the mortgagee

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<sup>42</sup>Not exceeding five rupees and not less than 50 paise.

<sup>43</sup>The Stamp Act, 1899, Sec. 31(1).

<sup>44</sup>*Ibid.*, Sec. 32(1).

<sup>45</sup>*Ibid.*, Sec. 40(1).

white in possession is less than twice the amount of the principal sum originally advanced and some payment is still due to the mortgagee according to the terms of the mortgagee, the collector, by order in writing must direct that the land be restored to the mortgager and he be put into possession, subject, however, to the payment of compensation.<sup>47</sup>

He has the power to eject the mortgagee and order delivery of possession of the mortgaged land to the mortgager.<sup>48</sup> If there is any dispute between persons claiming to be entitled to compensation, the collector may either decide the dispute himself or order the sum deposited by the petitioner not to be paid to anyone till the contesting persons have had their rights decided by a competent court of law.<sup>49</sup>

*Recoveries of Proper Suits and other Government Dues*

All loans granted under the Land Improvement Loans Act, 1883, when they become due, are recoverable by the collector in all or any of the following manners namely :

- (a) From the borrower—as if those were the arrears of land revenue due by him.
- (b) From his surety (if any)—as if those were arrears of land revenue due by him.
- (c) Out of the land for the benefit of which the loan has been granted—as if those were arrears of land revenue due in respect of that land.
- (d) Out of the property comprised in the collateral security (if any)—according to the procedure for the realisation of land revenue by the sale of immovable property other than the land on which the revenue is due.<sup>50</sup>

The realisation of taccavi loans is very difficult because it is regarded by politicians as an oppression of the peasantry. Of late, a vigorous rent and loan realisation campaign is on in every district. The collector has to render periodical accounts to the government. Orders issued by any civil or criminal

<sup>47</sup>The Punjab Restitution of Mortgaged Lands Act, 1938, Sec. 7(1).

<sup>48</sup>*Ibid.*, Sec. 9.

<sup>49</sup>*Ibid.*, Rule No. 19.

<sup>50</sup>Land Improvements Loans Act XIX of 1883, Sec. 7.

court for the attachment, sale of the produce of any land, is addressed to the collector and is executed by him in accordance with the provisions of the law applicable to the court issuing the orders and with any rules consistent therewith made by the financial commissioner with the concurrence of the High Court.<sup>51</sup> The attachment and sale of the land and its produce is carried out by an order addressed by the civil court to the collector.<sup>52</sup> The collector has all the powers, and is subject to all the limitations regarding sale, mortgage, lease or other temporary alienation of land, the awarding of costs incurred by the parties as also costs of adjournments and the dismissal of the case, as may for the time being as exercisable by or imposed on the court ordering the sale and shall be competent to pass any order incidental or relating to the execution of the decree which but for the transfer of the case should have been passed by the court.<sup>53</sup>

### *Compensation to Landlord*

The Punjab Occupancy Tenants Act, 1952, intended to vest proprietary rights in occupancy tenants and to provide for payment of compensation to the landlords whose rights are extinguished and for certain consequential and incidental matters.<sup>54</sup> Any landlord whose rights have been extinguished under Section 3 of the above Act can apply to the collector, within twelve months from the appointed day, for the determination of the amount of compensation payable to him by the occupancy tenant.<sup>55</sup> The collector may also require the applicant to make or deliver to him on a date to be specified, a statement containing the name of every other person possessing any interest in the land or any part thereof as mortgagee of the land or of the right of occupancy, the nature and extent of such interest and the rents and profits, if any, received or receivable

<sup>51</sup>The Punjab Land Revenue Act, 1887, Sec. 141.

<sup>52</sup>Rules and orders of the Punjab High Court, Vol. I, Ch. 12.

<sup>53</sup>Rules framed under Sec. 70 of the Criminal Procedure Code 1908—Punjab Government Notification No. 2420-R, dated July 26, 1940, Rule No. 18.

<sup>54</sup>For statement of objects and reasons, see The Punjab Government Gazette (Extraordinary) 1952, pp. 1061-1062.

<sup>55</sup>The Punjab Occupancy Tenants (vesting of Proprietary Rights) Act, 1952, Sec. 4.

on this account.<sup>56</sup> When the collector is satisfied that a tenant in possession of land has committed a breach of the conditions of his tenancy, he may, after giving the tenant an opportunity to appear and state his objections

- (a) impose on the tenant a penalty not exceeding one hundred rupees, or
- (b) order the resumption of the tenancy.<sup>57</sup>

If the collector is of the opinion that any number of persons are in unauthorised occupation of any public premises situated within his jurisdiction and that they should be evicted, the collector issues a notice in writing calling upon all such persons concerned to show cause why an order of eviction should not be made and on considering the reply he may or may not pass an order of eviction.<sup>58</sup> Where persons have been evicted from any public premises under Section 5, the collector may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or sell by public auction any property remaining on such premises.<sup>59</sup> The collector also has power to recover rent or damages in respect of public premises as arrears of land revenue.<sup>60</sup>

An appeal lies from an original appellate order or decree made under the Punjab Tenancy Act, 1887<sup>61</sup> by a revenue officer or revenue court to the collector when the order or decree is made by an assistant collector of either grade but where an assistant collector of the 1st grade has been specially empowered by name in that behalf by the state government in specific cases, the appeal lies to the commissioner and not to the collector.

The collector determines the claim of compensation due to the Jagirdar and if the amount of compensation does not exceed Rs. 1,000 he makes an order for payment but when it exceeds

<sup>56</sup>The Punjab Occupancy Tenants (vesting of Proprietary Rights) Act, 1952, Rule 3(2).

<sup>57</sup>The Punjab Colonization of Government Lands Act, 1912, Sec 24.

<sup>58</sup>The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959, Secs. 4 and 5.

<sup>59</sup>*Ibid.*, Sec. 6.

<sup>60</sup>*Ibid.*, Sec. 7(1)

<sup>61</sup>The Punjab Tenancy Act, 1887, Sec. 80.



Rs. 1,000 but does not exceed Rs. 5,000, he forwards the claim to the commissioner with his recommendations and where it exceeds Rs. 5,000, he forwards the claim to the financial commissioner through the commissioner with his recommendations thereon.<sup>62</sup>

*Collection of Land Revenue, Income Tax Arrears, etc.*

The officer who is entrusted with the duty of realizing the land revenue is not a mere rent collector but a land steward because the state continues to have a direct and immediate interest in the improvement of the land. He is bound to respect, and preserve from encroachment by others, every private right in the soil which has been created or confirmed by the state. He must assist and initiate proposals and measures to prevent any loss to crops to avoid widespread scarcity of food. It is his duty to administer the property in his district in such a manner that it may be profitable to the state as representing the people as a whole, and at the same time, beneficial to the people, whose prosperity is the first care of a progressive government.<sup>63</sup> The land revenue of a holding, or of an estate, being a cash commutation of the right of government to a share of the crops grown upon it, is properly declared to be "the first charge upon the rents, profits and produce thereof". It is the business of the deputy commissioner to safeguard this right. Without his consent no court can attach the "rents, profits or produce" until the current local revenue and any arrears that may be due have been paid.<sup>64</sup> Orders issued by civil and criminal courts for the attachment of land, or any interest in land or the produce of land, are addressed to and executed by the revenue department. If the land revenue is not paid to the assignee by the date fixed for payment, the collector of his own motion or on the application of the assignee may order that it be paid to himself in the same manner and at the same place as is appointed for the payment of land revenue due to government in the same tahsil.<sup>65</sup>

<sup>62</sup>The Punjab Resumption of Jagirs (Amendment) Act, 1960, Sec. 2.

<sup>63</sup>Land Administration Manual, *op. cit.*, para. 2.

<sup>64</sup>*Ibid.*, para 501.

<sup>65</sup>Land Revenue Rules made under Sec. 64 of the Punjab Land Revenue Act, 1887, Rule No. 55 (ii).

TABLE  
SHOWING TOTAL DEMAND OF LAND REVENUE (IN RUPEES)  
FOR 1966-67

<i>District</i>	<i>Fixed</i>	<i>Fluctuary</i>	<i>Other Miscellaneous</i>	<i>Commercial Crops</i>
Ferozepur	1691255	22933	589515	1557877
Patiala	1122217	—	590048	280513
Bhatinda	1641139	263	486661	1098235
Ludhiana	1591156	8121	528422	215194
Sangrur	2587253	1540	394397	518238
Rupar	705096	5527	137549	57675
Gurdaspur	1593021	23576	342838	147987
Amritsar	2071497	4866	205552	90000
Jullundur	1895607	467210	680164	171668
Hoshiarpur	1465593	92934	530543	64822
Kapurthala	882557	1631	150446	28345
Total	17246391	628601	4636135	4230554

When an assessee is in default or is deemed to be in default in making a payment of tax the Income Tax Officer may forward<sup>66</sup> to the deputy commissioner of the district a recovery certificate in respect of the defaulter. Under the Income Tax Act of 1922, the arrear of tax was recoverable as arrears of land revenue.<sup>67</sup> Under the present Act, the scheme of recovery has been altered. After the receipt of recovery certificate, the deputy commissioner proceeds to recover the amount in the following ways :

1. Notice
2. Citation to appear
3. Attachment and sale of the defaulter's
  - (i) Movable property;
  - (ii) Immovable property;

<sup>66</sup>Income Tax Act, 1961, Sec. 222.

<sup>67</sup>Income-Tax Act, 1922, Sec. 46(2). The Section vests a discretion in the Income-Tax Officer to forward or not to forward to the deputy commissioner a certificate specifying the amount in arrears.

- (iii) By arrest and detention of the assessee in prison; and/or
- (iv) By appointing a receiver for the management of the assessee's properties.<sup>68</sup>

When the deputy commissioner receives through the Central Board of Revenue a certificate under the signature of an Income-Tax Officer in Pakistan, the deputy commissioner proceeds to recover the amount specified therein in the manner in which he would proceed to recover the amount specified in a certificate received from an Income-Tax Officer in India, and remits any sum so recoverable by him to the Income-Tax Officer in Pakistan, after deducting his expenses in connection with the recovery proceedings.<sup>69</sup> The recovery proceedings must commence within one year from the last day of the financial year in which the demand is made.<sup>70</sup> Where any sum is recoverable as an arrear of land revenue by any public officer other than a collector or by any local authority, the collector of the district in which the office of that officer or authority is situated shall, on the request of the officer or authority proceed to recover the sum as if it were an arrear of land revenue which had accrued in his own district, and may send a certificate of the amount to be recovered to the collector of another district under the foregoing provisions of the Act, as if the sum were payable to himself.<sup>71</sup> When the collector receives a certificate under the above Act, he may issue a proclamation prohibiting the transfer or charging of any immovable property belonging to the defaulter in the district.<sup>72</sup>

<sup>68</sup>Second Schedule to Income Tax Act, 1961.

<sup>69</sup>Income Tax Act, 1961, Sec. 228(2). The provisions of Section 228 shall remain in force only so long as there are in force similar provisions in the law of Pakistan for the recovery of tax by a collector in Pakistan. On receipt of a certificate from the Income Tax Officer in India (Clause 3 of Sec. 228).

<sup>70</sup>Income Tax Act, 1961 Sec. 231. Explanation 1 of Section 231 reckons the period of one year as under : (i) where the time is allowed till disposal of appeal, from the last day of the financial year in which the appeal is disposed of; (ii) where the recovery proceedings have been stayed by a court, from the last day of the financial year in which the order is withdrawn; (iii) where the date of payment of tax has been extended by an Income tax authority to another date, from the last day of the financial year in which the extended date falls; (iv) where the assessee has been allowed to pay the sum in instalments in which the last instalment falls due.

<sup>71</sup>Revenue Recovery Act, 1890, Sec. 5.

<sup>72</sup>*Ibid.*, Sec. 6(1).

Where any person is in arrears of rent payable in respect of any public premises, the estate officer may by order require that person to pay the sum and if he refuses or fails to pay the arrears of rent or any instalment thereof payable within the time specified in the order, the estate officer may issue a certificate for the amount due to the collector who proceeds to recover the same as an arrear of land revenue.<sup>73</sup> At any time after an arrear of land revenue has accrued on a holding, the collector may transfer the holding to any person being a landowner of the estate in which this holding is situated and not being a defaulter in respect of his own holding, on condition of his paying the arrear before being put in possession of the holding and on such further conditions as the collector may deem fit to prescribe.<sup>74</sup> At any time after an arrear of land revenue has accrued the collector may cause the estate or holding in respect of which the arrear is due to be attached and taken under his own management or that of an agent appointed by him for that purpose.<sup>75</sup>

### *Remissions and Relief*

The welfare of the people of the district is the main concern of the collector. In times of food shortage or famine, the Government confers wide powers on the divisional commissioners and the collectors. The effective control over relief operations is of the collector, and he is charged for making arrangements for giving relief, providing and distributing the necessary funds to all civil officers. It is his duty to report promptly to the commissioner, the existence of any agricultural deterioration. The districts where floods are feared, the collectors have to discharge a very great responsibility. He has been authorised to improvise equipment and resources to solve the problems and can make necessary payments for medical assistance, supply of food grains and loans, etc. He has to coordinate the activities of voluntary bodies like Bharat Sewak Samaj, Bhartiya Jana Sangh, etc. Collectors may sanction immediate remissions of land revenue due to locusts or hail in the harvests for which the land revenue is due up to a limit of Rs. 500. Remissions

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<sup>73</sup>Public Premises (Eviction of Unauthorised Occupants) Act, 1958, Sec. 7.

<sup>74</sup>The Punjab Land Revenue Act, 1887, Sec. 71(1).

<sup>75</sup>*Ibid.*

sanctioned must be reported at once through the commissioner, for the financial commissioner's information.<sup>76</sup> The collector can remit so much of the assessment on the land irrigated from a masonry or tube well as is based on the profits of irrigation from such a well : (a) when it ceases to be fit for use, and (b) when irrigation from it is superseded by canal irrigation, and canal advantage revenue has been imposed. The collector may grant a similar remission if the well, though still fit for use, has been out of use for four harvests, provided that no remission shall be given if the disuse of the well : (a) occurs in the ordinary course of husbandry, the well-being intended for use merely in seasons of drought; (b) is due to the introduction of canal irrigation, and canal-advantage revenue has been imposed.<sup>77</sup> On receipt of a report from the tahsildar that relief is needed under the Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960<sup>78</sup>, the collector may remit the land revenue, as proposed therein if the total amount to be remitted for the tahsil does not exceed Rs. 1,000 or suspend it if it exceeds this limit and forward the proposal for remission to the commissioner of the division for sanction. The order of suspension or remission thus made by the collector or the commissioner, as the case may be, shall be conveyed to the tahsildar concerned immediately who shall give effect to it. The collector furnishes to the financial commissioner, through the commissioner, a statement showing separately the total amount of land revenue remitted as well as the amount of land revenue with respect to which the assessment has been reviewed under these rules. Such statement is furnished before the 15th of June every year.<sup>79</sup>

In respect of suspension or remission of rents, etc., the political pressures are not ruled out and the enquiry officers are often approached by local politicians to make out a strong case in

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<sup>76</sup>Financial Commissioner's Standing Order No. 39, para 4.

<sup>77</sup>Financial Commissioner's Standing Order No. 30, Rules I and II.

<sup>78</sup>These rules as amended up to December 21, 1961, were republished in the Punjab Gazette Legislative Supplement, Part IV, dated January 5, 1962, *vide* Notification No. G.S.R. 2 P.A./17/87/S. 64/62 dated January 2, 1962.

<sup>79</sup>The Punjab Land Revenue (Thur, Sem, Chos and Sand) Remission and Suspension Rules, 1960, Rule No. 20.

their sphere of influence. Sometimes even the collectors are not spared and are requested to exaggerate the loss suffered by the agriculturists of the affected area. The timely and complete collection of rent has become an "ideal" and does not look like becoming a reality. It has, therefore, been suggested that if for any reason it is intended not to collect the land revenue or any part of it at any case, this should be quickly declared and the collection suspended.<sup>80</sup>

### *Revision of Mutations*

India is by far an agricultural country deriving her wealth from the bounties of nature. Land is a factor of utmost importance in the economic life of India, therefore, it is necessary to have a regular record of rights and liabilities of individuals in land. Right-holders die and others succeed them. Sometimes to meet the necessities of life they have to mortgage or sell their rights. All these kinds of changes which are result of the operations of time, necessity or caprice are to be incorporated, in the records of rights, and this cannot be done in a haphazard way. Mutation simply means alteration of an entry in the revenue records with the object of bringing the latter up-to-date, and making it represent the facts with regard to the respective rights and liabilities of persons as these at present are and not as they used to be.<sup>81</sup>

Tahsildars and naib-tahsildars on visiting a village examine all mutations in which interrogatories have been issued. At the close of each month tahsildar sends a list to the collector showing the interrogatories received in his tahsil which have not been returned to the tahsil or district concerned as well as the dates of their receipt. The collector scrutinises these lists and later recommends disciplinary action in cases where he finds that unnecessary delay has been allowed to occur in the disposal of these interrogatories. All mutation cases relating to transfers in contravention of the provisions of the Punjab Alienation of

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<sup>80</sup>S.S. Khara : *District Administration in India* (Bombay, 1964), p. 178.

<sup>81</sup>The Procedure for Mutations is described in the Punjab Land Records Manual, Ch. 7. The mutation register is prescribed in Sections 33(3) and 34 of the Punjab Land Revenue Act, 1887. Paragraphs 372 to 386 of Ch. X of the *Land Administration Manual* and paragraphs 279 to 282 of *Land Administration Manual* and of the *Settlement Manual* relate to the record of mutations.

Land Act must be submitted to the collector for necessary sanction. Although the Punjab Alienation of Land Act places no restriction on gifts for religious or charitable purposes, all the mutation proceedings of all cases purporting to be such gifts should be submitted to the collector, who would, after enquiry, record a decision whether the transaction is really a gift and not a disguised sale, and whether the purpose is really religious or charitable.<sup>82</sup>

When a collector is inspecting a tahsil, the mutation work of the tahsildar, and naib-tahsildar is brought for review, which helps the collector to gain a considerable insight into the value of the work done by both these officers, and by some of the patwaris and kanungos under their control.<sup>83</sup> When the holder of a Jagir di.s, the patwari has to make a special report, which finally reaches the collector who passes an order as to the succession after referring to the entry in the file or register containing the condition, relating thereto. The order is then forwarded to the revenue officer for sanction of the mutation accordingly.

#### *Redemption of Lands Under Mortgage Act*

The mortgager or other person entitled to institute a suit for redemption may, at any time after the principal money becomes payable and before a suit for redemption is barred, present a petition to the collector applying for an order directing that his mortgage be redeemed, and where the mortgage is with possession that he be put in possession of the mortgaged property. The petitioner also deposits the required sum with the collector.<sup>84</sup> When the petition has been duly presented and the deposit has been made, the collector issues to the mortgagee a summon to appear on a date to be therein specified. When the parties appear the collector enquires from the mortgagee whether he admits that the petitioner is entitled to redeem, whether he is willing to accept the sum in deposit in full discharge of the mortgage debt, and where the mortgage is with possession whether he is willing to surrender possession of the mortgaged property.<sup>85</sup>

<sup>82</sup>Land Records Manual, *op. cit.*, paras 7, 22.

<sup>83</sup>Land Administration Manual, *op. cit.*, para 311.

<sup>84</sup>Redemption of Mortgages (Punjab) Act, 1913, Sec. 4.

<sup>85</sup>*Ibid.*, Sec. 8.

If the mortgagee agrees, the collector makes an order. If the mortgagee raises objection on any ground other than the amount of the deposit, or if the petitioner is not willing to pay the sum demanded by the mortgagee, the collector may either: (a) for reasons to be recorded dismiss or (b) make a summary enquiry regarding the objection raised by the mortgagee or regarding the sum due.<sup>86</sup>

### *Land Acquisition*

Whenever any land is needed for a public purpose a declaration is made by the government and compensation to the owner is paid. The declaration is published in the official gazette stating the territorial division in which the land is situated.<sup>87</sup> The land is acquired by the collector, who causes the land to be marked out<sup>88</sup> and measured. He then gives the public notice stating that the government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him,<sup>89</sup> and on hearing the persons, makes an award under his hand of :

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.<sup>90</sup>

After making an award he takes possession of the land which thereupon vests absolutely with the government free from all encumbrance.<sup>91</sup> He also makes payment of the compensation awarded by him to the persons entitled thereto.<sup>92</sup>

The collector may issue notice to the owner of any land which has not been cultivated for the last six or more harvests,

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<sup>86</sup>Redemption of Mortgage (Punjab) Act, 1913, Sec. 9.

<sup>87</sup>Land Acquisition Act, 1894, Sec. 6.

<sup>88</sup>*Ibid.*, Sec. 8.

<sup>89</sup>*Ibid.*, Sec. 9.

<sup>90</sup>Land Acquisition Act, 1894, Sec. 11.

<sup>91</sup>*Ibid.*, Sec. 16.

<sup>92</sup>*Ibid* Sec. 31.



to show cause, within thirty days of the date of the service of such notice on him, why the land has not been cultivated and in case the collector does not find the explanation to be satisfactory, he may take possession of the land forthwith after paying the compensation.<sup>93</sup> Where the collector has taken possession of any land, he may lease it to any person on such terms and conditions as he may deem fit for the purpose of growing food and fodder crops.<sup>94</sup> He may delegate all or any of his powers and functions to any officer of the revenue or rehabilitation department in his district either by name or by designation.<sup>95</sup>

The collector may from time to time by order in writing direct the landowner or the tenant to deliver possession of the land in his surplus area to the person resettled on such land by the state government or any other officer empowered by it within ten days of the service of the order on him. If the landowner or the tenant refuses or fails without reasonable cause to comply with an order made, the collector may cause the possession of the land in the surplus area to be delivered to the person resettled on it and may for that purpose use such force as may be necessary.<sup>96</sup>

When the state government is of the opinion that any area comprising waste lands and the intervening cultivated land is required for reclamation, it may by notification declare such area to be reclamable area and such notification is conclusive evidence of the matters stated therein. The collector of the district in which the reclamable area is situated gives publicity to the notification and he may authorise the Director of Agriculture to take possession of the whole or any part of the area specified therein for a period not exceeding ten years for the purpose of carrying out reclamation.<sup>97</sup> The collector may take such steps or use such force as may in his opinion be reasonably necessary for security compliance.<sup>98</sup>

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<sup>93</sup>East Punjab Utilisation of Lands Act, 1949.

<sup>94</sup>*Ibid.*, Sec. 5.

<sup>95</sup>*Ibid.*, Sec. 11. Also the Punjab Utilization of Land Rules, 1950, Rule 4.

<sup>96</sup>The Punjab Security of Land Tenures Act, 1953, Sec. 19-C (Surplus area means area more than permissible area which means thirty standard acres).

<sup>97</sup>The Punjab Reclamation of Land Act, 1959, Sec. 5.

<sup>98</sup>*Ibid.*, Sec. 6.

Whenever it appears to the state government that in any area comprising the whole or part of a district it is necessary to provide for the making and execution of land improvement schemes including schemes for soil conservation, improvement of soil resources, prevention or mitigation of soil erosion, protection of land against damage by floods or drought, farm drainage or other works incidental to, or connected with such purposes the state government may declare such area to be a notified area. There is appointed a Committee called as District Land Improvement Committee consisting of the collector and other officials. The collector is the chairman of the committee and exerts his influence and may even direct for the preparation of a land improvement scheme.<sup>99</sup>

In this connection there is a general complaint that inordinate delay occurs in work relating to land acquisition, often holding up the commissioning of projects. The procedure prescribed by the Act may not lend itself to further simplification and is time-consuming. However, "the appointment of necessary field staff including survey staffs and a more liberal application of the urgency provisions of the Act should help to expedite land acquisition. We are informed that land acquisition is very often delayed for want of scrutinising sub-division records; such delay can certainly be avoided by appointing the requisite survey staff under the land acquisition officers. The collector should consider land acquisition a very important item of work for which they are responsible and conduct systematic reviews."<sup>100</sup> Collectors rarely do this work now and entrust this work to Deputy Collectors or special officers are normally given powers under the Land Acquisition Act.

#### *Power to Fix Boundary between River and Estates*

When any two or more estates are subject to river action and the limits of any such estates are by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course of action of such river, the collector fixes a boundary line between such estates or portions. Either the deputy commissioner of any two districts

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<sup>99</sup>The Punjab Land Improvement Schemes Act, 1962, Secs. 4 and 5.

<sup>100</sup>Report of the Administrative Reorganisation and Economy Committee, Government of Kerala, 1965-67, p. 39.

may, ask for an order to be passed and the commissioner forwards the application to the financial commissioner with a recommendation as to who should be the collector for the purpose or government may depute a special officer as collector to carry out the demarcation of all village riverain boundaries along a particular stretch of river, with discretion in special cases to leave the boundaries of any particular village undefined.<sup>101</sup>

*Registration in his Capacity as Registrar*

He is the registrar of his district and has a number of sub-registrars subordinate to him. Registration is compulsory for instruments of gift, of immovable property, other non-testamentary instruments affecting the disposal of property to a specific value and above, leases of immovable property for any term exceeding one year.<sup>102</sup> The true copies of all the documents registered are kept in the district record room. He supervises the proceedings of the registering offices. Sometimes there is fear of false personation in connection with the registration of documents. It is the duty of the registering officer to enquire whether the document has been executed by the person by whom it purports to have been executed. If execution is denied, the registering officer must refuse to register the document, but there is an appeal against such refusal to the collector who is the registrar of the district. The work of the collector regarding registration is mostly appellate and supervisory.

On registering any non-testamentary document relating to immovable property the collector acting as registrar forwards a memorandum of such document to each sub-registrar subordinate to himself in whose area any part of the property is situated.<sup>103</sup> Every sub-registrar performs the duties of his office under the superintendence and control of the collector in whose district the office of such sub-registrar is situated. The collector has the authority to issue (whether on complaint or otherwise) any order consistent with the Registration Act which he considers necessary in respect of any act or omission of any sub-registrar subordinate to him or in respect of the rectification of any error

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<sup>101</sup>Instructions regarding the operation of the Punjab Riverain Boundaries Act (Appendix to Ch. 5, Punjab Land Records Manual). No. 1.

<sup>102</sup>Indian Registration Act of 1908.

<sup>103</sup>The Registration Act (XVI of 1908), Sec. 66.

regarding the book or the office in which any document has been registered.<sup>104</sup> Any person can appeal to collector from the order of sub-registrar refusing registration on ground other than denial of execution within thirty days from the date of the order and the collector may reverse or alter such order.<sup>105</sup> When the collector finds that the document has been executed and the requirements have been complied with, he may order the document to be registered.<sup>106</sup>

TABLE  
SHOWING NUMBER OF REGISTERED DOCUMENTS IN THE  
PUNJAB (DISTRICT-WISE)

<i>Distric</i>	<i>No. of Registration Offices</i>	<i>Number of Registrations</i>			
		<i>Immovable Compulsory</i>	<i>Property Optional</i>	<i>Movable Property</i>	<i>Grand Total</i>
Gurdaspur	4	6,925	—	229	7,154
Amritsar	6	12,142	97	694	12,933
Kapurthala	4	3,514	—	232	3,746
Jullundur	5	12,200	16	1,036	13,252
Hoshiarpur	7	9,103	—	250	9,353
Rupar	N.A.	N.A.	N.A.	N.A.	N.A.
Ludhiana	6	10,302	7	878	11,187
Ferozepur	8	9,472	40	642	10,154
Bhatinda	6	7,241	3	442	7,686
Sangrur	6	2,099	2	190	2,291
Patiala	7	6,757	—	807	7,564

Notes : N.A. stands for figures 'not available'.

Source : Inspector-General of Registration, Punjab.

Figures available are from April 1, 1966 to October 31, 1966 only.

### *Excise*

The general superintendence and administration of all matters relating to excise vests in the excise commissioner, in the division with the commissioner and at the district with the collector. The revenue due to excise yields a big

<sup>104</sup>The Registration Act (XVI of 1908), Sec. 68.

<sup>105</sup>*Ibid.*, Sec. 72(1).

<sup>106</sup>*Ibid.*, Sec. 75(1).

revenue and there are many chances of smuggling and malpractices. Whereas the assessment and laying of duty, etc., is in the hands of excise staff the overall charge is of the collector. The Punjab being a border state, the problem of not only inter-state smuggling is to be tackled, but some of the smugglers may be successful in sending their goods to Pakistan. The policy of the Punjab Government is to get maximum revenue with the minimum consumption of intoxicants and earn a major portion of excise revenue by direct taxation, *i.e.*, in the shape of excise duty, etc.<sup>107</sup>

The collector may issue warrant for the arrest of any person whom he has reason to believe to have committed an offence, relating to opium, or for the search, whether by day or night, of any building or vessel or place in which he has reason to believe that the opium liable to confiscation is kept or concealed.<sup>108</sup> He has also the power to issue a warrant for the arrest of any person whom he suspects to have committed an offence by dealing with the dangerous drugs.<sup>109</sup>

The collector can call for the record of any case pending before, or disposed of by, any excise officer subordinate to him.<sup>110</sup> He may be empowered to issue passes for the import, export or transport of intoxicants.<sup>111</sup> The State government determines the lease to any person the right (i) of manufacturing or of supplying by wholesale or of both, or (ii) of selling by wholesale or by retail, or (iii) of manufacturing or of supplying by wholesale, or of both, and of selling by retail, any country liquor or intoxicating drug within any specified local area, the licence to a lessee is granted by the collector.<sup>112</sup> The collector can also grant licences for the sale of any intoxicant within his district.<sup>113</sup> The renewal of licences, is in the hands and the collector prepares the list of shops, etc., which might be given licences next year and sends a copy to the excise commissioner. He has the power

<sup>107</sup>*Report on the Excise Administration in the Punjab for the Year 1963-64*, p. 1.

<sup>108</sup>*The Opium Act* (1 of 1878), Sec. 19.

<sup>109</sup>*The Dangerous Drugs Act* (11 of 1930) Sec. 22(1).

<sup>110</sup>*The Punjab Excise Act* (1 of 1914) Sec. 15(b).

<sup>111</sup>*Ibid.*, Sec. 10.

<sup>112</sup>*Ibid.*, Sec. 27.

<sup>113</sup>*Ibid.*, Sec. 35.

to enter and inspect places of manufacture and sale<sup>114</sup> powers of arrest, seizure and detention.<sup>115</sup> Where any intoxicant has been seized, the collector has the discretion to release it on receiving payment of the value thereof.<sup>116</sup>

He may grant awards to persons who have helped him in the detection of offences against the Opium Act, 1878.<sup>117</sup>

### *Incharge of the Treasury*

The immediate executive control of the treasury is with the treasury officer who is subordinate to the collector. The general administrative control of the treasury is in the hands of the collector who is responsible for the proper observance of the procedure prescribed by or under the Rules of the Treasury Code,<sup>118</sup> and for the submission of all returns required from the treasury, by the government, the Accountant General and the Reserve Bank. He also verifies and certifies the monthly cash balance, if any, in the treasury in such a manner as the Ministry of Finance may prescribe. He periodically examines the treasury and in particular :

- (a) Inspection of strong room and cash balance verified.
- (b) Cash, draft forms and cheque forms are handled in accordance with the rules.
- (c) Arrangements for the examination of moneys received and of claims to be paid.
- (d) Proper check over treasury officers.
- (e) A general review of the various record registers, books of references, etc.<sup>119</sup>

He has also to inspect every sub-treasury or treasury other than the district treasury under him once a year. Whenever during inspections he is not satisfied with the working of a particular treasury he may report the matter to the commissioner.

<sup>114</sup>The Punjab Excise Act (1 of 1914), Sec. 45.

<sup>115</sup>*Ibid.*, Sec. 47.

<sup>116</sup>*Ibid.*, Sec. 80(3).

<sup>117</sup>The Opium Act (1 of 1878), Sec. 13. For further rules and amount which can be given in reward refer to Punjab Gazette, 1900, Part I, p. 892; 1901, p. 532; 1907, p. 502.

<sup>118</sup>The Punjab Treasury Rules, Vol. I, 1963. A treasury can be a banking or a non-banking one.

<sup>119</sup>*Ibid.*, Rule 1.15, p. 26.

Under the orders of the Government of India, a gazetted officer of the Audit Department is required to visit each treasury in turn. He satisfies himself at least once in every quarter that the deposit registers are kept according to prescribed rules, and that all necessary entries have been made and initialled.<sup>120</sup> He is specially careful when assuming or making over charge of a district to see that the cash balance and stock of stamps, etc., are thoroughly verified,<sup>121</sup> and overhaul the system and, advise the collector as to the defects noticed and then remedies. All correspondence about treasury inspection report is carried on direct between the collector and the Accountant-General. A collector may, in circumstances of urgency, by an order in writing authorise and require a treasury officer to make a payment, not being a payment of pension. He is to forward a copy of his orders and a statement of the circumstances requiring it, to the Accountant General and the government.<sup>122</sup>

### *Survey and Settlement*

After the annexation of Punjab in 1849 its settlement was entrusted to men trained under Bird and Thomson. Most prominent among them was John Lawrence, a member of the Punjab Board of Administration from its inception in 1849 and the first chief commissioner of the province in 1853. He was bent on introducing the same system of N.W. Provinces. As he saw it, justice demanded that the Sikh Sirdars and Jagirdars, like the taluqdars of the north-west be stripped of the lands and privileges they had wrested from the cultivators of soil.<sup>123</sup>

<sup>120</sup>Subsidiary Treasury Rules issued under the Punjab Treasury Rules (including instructions and orders relating to coin), etc., Part II. The Punjab Treasury Rules Vol. I, 1963, Ch. I, Rule 1.3 (2).

<sup>121</sup>*Ibid.*, Rule 1.3 (3).

<sup>122</sup>The Punjab Treasury Rules Vol. I, 1963, Rule 27.

The following may be regarded as cases of urgent necessity coming under the Treasury Rule 27 when a collector authorises a treasury officer to make payments reporting the circumstances to the Accountant General : (a) Prevention of loss of life, and property, resulting from disasters such as flood, cyclones, earthquakes, fires, etc., (b) Safeguarding against the loss of life and property threatened by the washing away of embankments, collapsing of bridges on rivers, canals, railways, etc. (Sec. VII of Ch. IV of the Subsidiary Treasury Rules—Part II of Financial Hand Book No. 1 (The Punjab Treasury Rules) Vol. I, 1963.

<sup>123</sup>Thomas R. Metcalf, *The Aftermath of Revolt—India, 1857-1870* (Princeton, 1965), p. 48.

In accordance with the provisions of Tenancy Act of 1885, settlement officers have been charged with the survey and record and for revising rents. Settlement operations mean : (a) the survey and mapping of land, (b) the preparation of a record of rights, (c) the settlement of rents payable by tenants, and (d) the settlement of land revenue. The settlement operations include : (a) demarcation of boundaries, (b) presentation of village maps, (c) classification and inspection of villages, and (d) rate of assessment fixed. Revenue officers engaged in settlement operations are subject to the control of financial commissioner. The collector may be appointed a settlement officer *ex officio* with a deputy collector or sub-deputy collector as assistant settlement officer incharge under him. He has the power to enter upon, survey and demarcate local areas notified under Section 3 or Section 8 of the Punjab Land Preservation Act 11 of 1900.<sup>124</sup> He makes inquiries into claims and awards thereupon and determines the method of awarding compensation and effect of such award.<sup>125</sup> It is his duty to collect statistics concerning sufficiency of food supply, quantity of land under different crops, agrarian relations, etc. He has to obtain correct estimates of acreage under the major crops, their expected yield and forecasts and estimates. The statistics are prepared by the field officers and then passed on to the office of the collector on which the government bases its social and economic policies.<sup>126</sup> He exercises general supervision in regard to minor irrigation because of the close relationship between agriculture and minor irrigation.

When a source of supply has been notified by the state government and if collector considers that the construction of a canal to be fed therefrom will be advantageous, he gives notice by general proclamation to all persons interested of his intention to construct such canal.<sup>127</sup> He has also the power to prohibit the unauthorised construction of and to close unauthorised canal.<sup>128</sup>

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<sup>124</sup>Punjab Land Preservation Act (11 of 1900), Sec. 13.

<sup>125</sup>*Ibid.*, Sec. 14 and 15.

<sup>126</sup>The collector has to send more than 500 reports and returns at various times of the year. He has also to submit a number of special reports to the government on unusual developments in his district.

<sup>127</sup>The Punjab Minor Canals Act, 1905, Sec. 6.

<sup>128</sup>*Ibid.*, Sec. 7.



He can also exercise all powers of control, management and direction for the efficient maintenance and working of such canal or for the due distribution of the water thereof.<sup>129</sup> He has also the power to occupy land adjacent to canal for depositing soil from canal and to excavate earth for repairs to the banks and compensation for damage.<sup>130</sup> The state government can empower the collector to regulate flow of water and prohibit or remove obstructions.<sup>131</sup>

### *Distribution of Loans*

Independence has ushered in an era of planning and the collector is no longer a mere collector of revenue or preserver of peace. He has been assigned the role of the promoter of social and economic well being. As chief representative of the government in the district he has been assigned the function of distribution of loans, foodgrains and essential commodities. He is responsible for increasing agricultural production, conserving soil, promoting fishery and poultry.

Under the Agriculturists Loans Rules, 1910,<sup>132</sup> the following loans (see Table on page 116) can be granted by the collector :

He may suspend the instalments of the loans granted under Agriculturists Loans Rules, 1910 on proof of failure of crops or other exceptional calamity. In areas under fluctuating assessment, the collector may order such suspension up to a limit of Rs. 5,000 for a single tahsil or a total of Rs. 10,000 for the whole district in any one harvest provided that the amount involved at a time in any one case does not exceed Rs. 1,000. In areas under fixed assessment the same limits apply, except that in those cases in which suspension of taccavi follows suspension of land revenue, the collector has unlimited powers.<sup>133</sup> He has powers to grant loans under Land Improvement Loans Rules, 1910 as well.

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<sup>129</sup> The Punjab Minor Canal Act, 1905., Sec. 10.

<sup>130</sup> *Ibid.*, Sec. 14 (1).

<sup>131</sup> *Ibid.*, Sec. 51.

<sup>132</sup>Published vide the Punjab Government Notification No. 285 dated August 13, 1910.

<sup>133</sup>For all loans under the Revenue Department, see the Punjab Government Notification No. 9567-TL-III-61, 8411 dated Nov. 18, 1961.

TABLE

S. No.	Designation of the officer	The Relevant Department	Purpose for which loan may be granted	Amount to be granted
1.	Collector	Revenue <sup>134</sup>	For cattle and other objects including agricultural implements	500
2.	Collector	Revenue	Seed	250
3.	Collector	Revenue <sup>135</sup>	For purchase of agricultural land from the government by the occupiers thereof	5,000
4.	Collector	Development	Fertilizers	500
5.	Collector	Development	Fruit plants	750
6.	Collector	Development	Tractors	10,000
7.	Deputy Commissioner	Development for C.D. Scheme	Horticultural operations	5,000
8.	Deputy Commissioner	Development for C.D. Scheme	Vegetable cultivation	5,000
9.	Deputy Commissioner	Development for C.D. Scheme	Plant protection	5,000

<sup>134</sup>The Punjab Government Notification No. 10494-TL-(II)—61/9253 dated December 26, 1961.

<sup>135</sup>Agriculturists Loans Rules, 1910 Clause 8 substituted by Punjab Government Notification No. 1018-A dated February 21, 1939.

The following officers are empowered to grant loans under the Land Improvement Loans Rules 1910 :

(i) Tahsildars, Assistant and Extra Assistant Commissioners	up to Rs. 1,000
(ii) Collectors	Rs. 3,000
(iii) Commissioner	Rs. 5,000
(iv) Development Commissioner in relation to Community Project/ National Extension Service Schemes	Rs. 50,000
(v) Financial Commissioner	Rs. 50,000

Officers subordinate to the Collector can exercise these powers only when permitted to do so by the collector.<sup>136</sup>

#### *Assessment*

After the abolition of the zamindari system, the responsibility of the collector has increased because the land revenue which was collected by the zamindars is now to be collected by the collector. In the past, he did not know much about the agricultural side and was predominantly engaged with law and order. Even grants of loans which now form his major responsibility were made in more cases.<sup>137</sup> The collector employed coercive procedure and measures for the collection of loans and revenues. In the late thirties he was mainly concerned with law and order problems in this province and there was no zeal displayed by him towards welfare activities.

After Independence there has been increase in land reforms measures and the revenue functions of the collector have greatly increased. He is to collect many arrears due to the government without causing any harassment and hardship to the people. The land records are always disliked by the young collectors because of the technical details and numerous entries.<sup>138</sup> The I.A.S. direct recruits who have been posted in the districts

<sup>136</sup>Punjab Government Notification No. 14307-CP/55/3781, dated July 31, 1956.

<sup>137</sup>Even the Taccavi loans and distress loans were given in rare cases of drought and calamity.

<sup>138</sup>S.S. Khera, *op. cit.*, p. 165.

after 5 to 6 years of service are not as enthusiastic to master and administer tenancy laws and settlement operations as the promoted I.A.S. officers from P.C.S. rank.<sup>139</sup> The collector has now shifted his emphasis from the revenue duties to the development side. The sub-divisional officer at the sub-division level has relieved the deputy commissioner of much of the work. The later officer should not function only as a channel of passing the buck to the collector thus "leaving the responsibility of decision on numerous matters on the collector himself, i.e., he should be given more and more powers. The Study Team of the Administrative Reforms Commission recommended that the Tahsildar and his deputies should be required to dispose of a maximum of revenue and miscellaneous case work while on tour.<sup>140</sup> The clear definition of his duties would not leave things to the uncertainty of personal equation between him and the collector. The collector should also give more and more powers to the subordinate staff and "the collector who insists on doing everything himself is sure to leave many things undone and to fritter away on small details time that should be devoted to more important matters".<sup>141</sup>

The emergence of local leadership and politicians is also likely to affect the revenue administration vitally. The vast and imposing array of powers with the collector is an eyesore to many. His duties of supervision, inspection and direct responsibility have been discussed in detail. As revenue judge, he is the appellate and revisional authority in mutation, land acquisition, land encroachment and settlement cases. He can summon witnesses and compel the production of documents. Revenue administration to a great extent is free from the purview of the courts of law. In most of the cases, there is no appeal from the decisions of the revenue officers to the courts of law except when the rules of natural justice and the proper

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<sup>139</sup>It is one of the reasons why most of the young I.A.S. recruits prefer job in the secretariat rather than in the field. According to one experienced officer on the other hand, (1) They may not be that knowledgeable in revenue work, but my experience is most of them want to work as District Officer because of the variety and challenging nature of tasks in the district.

<sup>140</sup>*Report of the Study Team on District Administration*, Administrative Reforms Commission (New Delhi, 1967), para 266.

<sup>141</sup>Inayatullah (Ed.) : *District Administration in West Pakistan*, (Peshawar, 1963), p. 61.

procedures are violated. They also work as Revenue Courts. There is a hierarchy of revenue Courts. Assistant Collector II Class, Assistant Collector I Class, Additional Collector, Collector, Additional Commissioner or commissioner/Board of Revenue. The Revenue courts always have the status and authority of courts of law though the procedure is not that elaborate. "The Indian people", said Henry Lawrence, "like all people under the sun, prefer justice to law." There is a great need of speedy and prompt justice, which should be gained in a case tried by the district officer rather than petty legal subtleties, wholly unsuitable to the ways of the people. There must be economy and the multiplication of officials would make serious inroads on the public purpose. A British civil servant proudly said, "If today the Indian peasant looks to the new district officer of his own race with the expectation of receiving justice and sympathy, that is our memorial."<sup>142</sup>

The state government has, in recent years, shown an increasing awareness for the need of efficient and systematic inspections and there is a general feeling that the nature and frequency of the inspections should be extended and improved so as to cover all levels and offices.

In order to have the effective inspections, the following guiding principles may be very useful :

1. They should be constructive in nature, conducted with a view to pinpointing difficulties or shortcomings noticed and to improve the existing state of affairs.
2. Inspections should be thorough and should cover all important aspects of the functioning of the government servant concerned but greater attention must be given to essentials.
3. Formal inspections should be conducted at regular intervals and if there are more than two officers who are required to inspect the same office or functionary, it would be desirable for them to so plan their inspections that the succeeding officer is able to examine

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<sup>142</sup>Philip Woodruff: *The Men Who Ruled India*, The Guardians (London, 1953), p. 361. Also G. Anderson, *British Administration in India* (London, 1920), pp. 65-66.

the compliance made with regard to the inspection notes recorded by the officers who preceded him.

4. Apart from formal inspection all inspecting officers should make it a habit to undertake some surprise inspections. Surprise inspections play a great part in toning up the efficiency of government offices and functionaries.
5. Perhaps more important than the conduct of the inspection itself is the follow-up of the action taken by the inspected office or functionary on the points mentioned in the inspection note. Normally, the inspecting officers should send their inspection notes within one month of the date of inspection. The officer whose work or office is inspected should report compliance item-wise to the inspecting officer at the latest within three months of the receipt of inspection note.
6. Serious cases of delay coming to the notice of the inspecting officers should be taken note of and, in some cases, even disciplinary action may be taken against the defaulting officials.<sup>143</sup>

### *Size of Districts*

Britishers always took into consideration the administrative convenience regarding law and order, etc., before fixing the boundaries of the districts. Two factors which have affected the size of the states and the districts, viz., (a) the integration of the princely states, and (b) the reorganisation of states on a linguistic basis merit some comments. The integration of states resulted information of some very small districts, for example in the Punjab, Kapurthala district is much smaller as compared to its adjacent district Jullundur. Pepsu was merged in 1956 and the people of erstwhile Pepsu state pressed for constituting their state area into separate district, although they were not administratively viable units. Political reasons weighed with them and a good opportunity for reconstituting districts of proper size was, unfortunately, lost.

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<sup>143</sup>Report of the Administrative Reforms Committee, Government of Rajasthan, 1963, Ch. VIII, para. 82.1, pp. 155-57.

The reorganisation of the Punjab in 1966 on the linguistic basis further affected the boundaries of some of the districts. A few districts like Ambala, Kalka, Kangra, Gurdaspur have been divided and amalgamated with adjacent districts of other states on the ground of religion.

There is no relation of the area of the district with the size of the population. Some times the area is small yet maximum population is found, e.g., industrially developed centres and district headquarters. The average size of a district varies from 1,454 square miles in Kerala to 6,951 square miles in Rajasthan,<sup>144</sup> and the optimum size of the district is not possible to calculate. Further, the development and effective implementation of plans and programmes depends not much on the size of the districts as on the density of the population, the topography of the area and the nature and state of its communications.

The size of some of the districts is quite large. But the cost of creating a new district is high, both recurring and non-recurring. "In view of the scheme of separation of judiciary from executive and the recommendation made to introduce a decentralized system of taluk administration throughout the state as well as to separate the sadar sub-division from the district office, the reduction in sizes of districts should wait till the results of these reforms are known."<sup>145</sup> A similar recommendation was made in Andhra Pradesh and U.P. in 1960, that (1) the creation of small districts is beset with all kinds of difficulties and is not feasible at present, (2) However, the Committee recommends that the state government should take up the question of reorganisation of districts on a rational basis as early as possible, (3) The collectors who are functioning as the heads of districts need relief. The government have appointed joint collectors in seven districts. The Committee recommends that government should consider the appointment of joint collectors in all the remaining districts also."<sup>146</sup>

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<sup>144</sup>Based on a study made in the Ministry of Home Affairs, Government of India, by Shri V.S. Bamer, I.A.S., on the 'Size of District in Relation to Plan Implementation at the District Level' (unpublished).

<sup>145</sup>*Report of the Administrative Enquiry Committee*, Government of Orissa, 1958, Vol. 1, p. 731.

<sup>146</sup>*Report of the Administrative Reforms Commission*, Government of Andhra Pradesh, 1960, p. 14, para. 35.

Four years later, another Committee recommended that the size of the district might be reduced to a manageable limit, and that collector might be given the assistance of a joint collector. So far, the government have not implemented these proposals with the result that the collector still remains over-burdened. "We feel that reducing the size of some of the big districts and carving out new districts is not a simple matter and we should not await for the implementation of this reform to reduce the load of work on the district collector. We feel that a reduction of the size of a district is not by itself a solution for decreasing the responsibilities of a collector. In our view, the work involved in the administration of revenue department alone, which is a key department in the collector's charge, is of great importance, and every effort should be made to ensure that it functions effectively."<sup>147</sup>

After the reorganisation of Madras now (Tamil Nadu) in 1956, the question of devising some method to give relief to the over-worked collector engaged the attention of the state government. One method was to bifurcate the heavier districts but the suggestion was turned down.<sup>148</sup> On the recommendation of the Special Officer for Reorganisation, the Government of Madras decided in 1958 to appoint Additional Collectors in four heavy districts, the collector retaining the charge of development work, law and order, and the executive magistracy, while the Additional Collector was put in charge of land revenue settlement, civil supplies and general administration. In Maharashtra, the land revenue administration has been transferred to the Gram Panchayats which have also been made responsible for the maintenance of record of rights in land. In Uttar Pradesh the collector is the in charge of revenue matters. After the abolition of zamindari, his work has increased further. The collection of land revenue from the tenants is his direct responsibility.

The Government of the Punjab is seriously thinking of reorganising the boundaries of the districts in order to have

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<sup>147</sup> *Report of the Administrative Reforms Committee*, Government of Andhra Pradesh, 1964-65, p. 52, para. 2.96.

<sup>148</sup> *Report of the District Revenue Administration Enquiry Committee*, Vol. I, Government of Madras (1955), para. 166, p. 66 "we are definitely of the opinion that the balance of advantage lies in favour of the principle of keeping the districts as they are in size and giving the relief needed by the collectors by way of appointment of personal as assistants."



better control. If the district is of a manageable size, the deputy commissioner can grasp the spirit of the community (zeitgeist) to deal with a situation at an initial stage.<sup>149</sup>

The office of the collector has come down with a mass of old authoritarian traditions and characteristics, though it is fast tending to shed off its coercive features. He still performs an imposing array of revenue functions. Now the local bodies have started acting as a buffer between the people and the revenue functionaries. They are reducing the influence and power of the latter, leaving them only with the regulatory and coercive powers of certificate and attachment, etc. Political interferences have affected to some extent the regulatory functions of the collectors. He is called upon to use his "tact" or "the line of least resistance", which now seems to determine the activities of a considerable number of revenue officers.

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<sup>149</sup>Chief Minister of the Punjab made a statement that reorganisation of districts shall be taken in hand in near future. *The Tribune*, dated May 25, 1968. Similar statements have been made by other ministers during 1969 and 1970, but no concrete action has yet been taken.

## CHAPTER VI

### DEPUTY COMMISSIONER AS DISTRICT MAGISTRATE

The deputy commissioner in his capacity as district magistrate<sup>1</sup> is in overall charge of law and order administration. He is kept informed about all the important happenings and has to keep an eye on the activities of different groups of people, avoid clashes between different groups and control strikes and demonstrations. He has frequent discussions with the superintendent of police on the methods to deal with mischief-mongers and unsocial elements. All suits on behalf of the government are technically represented by the deputy commissioner who symbolises the unity of the district, as a sort of captain of the team of the district officers.<sup>2</sup> He is the head of the criminal administration and functions as a shock absorber between the police and the public. He issues licenses to exhibit cinematography and also issues petroleum (Dangerous and Non-dangerous) licences.<sup>3</sup> The district police force and other executive magistrates work under his guidance and control.

With the separation of the judiciary from the executive the cases relating to Indian Penal Code are now disposed of by the judicial magistrates who work directly under the High Court. He is the chief prosecuting officer of the district and public prosecutors are appointed by the government in consultation with him and the district judge. He advises the government whether appeals are to be filed against acquittals and issues arms licences and no objection certificates for explosive licences. He recommends cases for passports, issues nationality certificates, gives licences for cinemas, arranges supervision of execution of condemned men. In his capacity as district magistrate, he also

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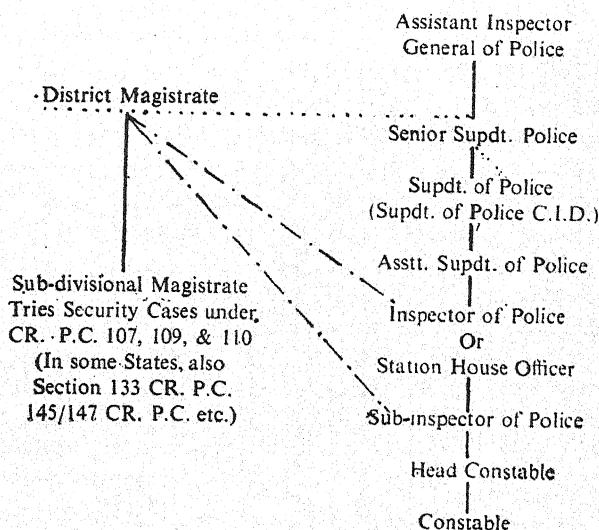
<sup>1</sup>The chief officer charged with the executive administration of a district is called collector in the states which were formerly Regulation Provinces, while in non-Regulation Provinces he is called deputy commissioner. When the deputy commissioner acts as the head of the executive department of the district, he is called the district magistrate.

<sup>2</sup>K. Raghavendra Rao "District Administration in Mysore" in G.S. Hallapa (Ed.) : *Studies in State Administration* (Dharwar, 1963), p. 433.

<sup>3</sup>The Cinematography Duty Act, 1918, Sec. 4.

exercises powers under the Punjab Police Act. He also grants suspensions or cancellation of arms licences, hotel licences and licences for explosives and petroleum. He is required to inspect jails and above all, the only colourful break in this dead routine is the marriages that he performs as marriage officer under the Special Marriage Act. The commissioner in the Punjab also plays an important role in the administration of the police. The control of district magistrate in police matters over the district is no doubt complete but he works under the supervision of the commissioner. All orders received from the commissioner are immediately executed. The Deputy Inspector General of Police meets the divisional commissioner at frequent intervals and discusses with him freely, measures for the prevention and detection of crime. The divisional commissioners do not have direct interference in the details of police administration and their duty is limited to supervision and giving advice to the district magistrates.<sup>4</sup>

#### FUNCTIONAL CHART OF LAW AND ORDER ADMINISTRATION AT DISTRICT LEVEL



..... Indicate the control is not complete. District Magistrate is not authorised to write the Annual Confidential Report of the Senior Supdt. of Police, Supdt. of Police and Asstt. Supdt. Police. They work in close cooperation.

Due to the increasing political awareness and the growth of complexity of laws and behaviour it appears that the deputy commissioner's function as district magistrate is not likely to lose importance in the near future. He is a magistrate of the first class and in the discharge of his duties, is assisted by sub-divisional magistrate, and other first, second and third class magistrates.<sup>5</sup> The main functions of district magistrate under various heads have been discussed below.

### *1. Inspections and Supervision*

A police station is an important unit in the hierarchy of the police administration and "unless it has a very strong construction, the whole police fabric may well get tattered".<sup>6</sup> The district magistrates are authorised to inspect the police stations in their districts.<sup>7</sup> They can permit, with the concurrence of the Deputy Inspector General of Police sub-divisional offices (civil) who are senior assistant commissioners, to make such inspections and to record their remarks in inspection books.<sup>8</sup> Sub-divisional magistrates have ample powers, under the Criminal Procedure Code, the Police Rules and other laws to exercise effective supervision over the law and order situation in their areas. They can call, in their executive capacity for any of the records and registers which deal with crime from police stations and ask officers incharge of police stations to come to them to explain matters.<sup>9</sup> The police is required to obey and execute all lawful orders issued to them by judicial officers in exercise of the powers conferred on them by law.<sup>10</sup> There is sometimes the demand that more officers should be authorised to inspect the police stations in the interests of effective supervision but it will not be useful. The police is a disciplined force wherein lines of command should be clear and not diffused or be capable of causing confusion. Inspections of police stations is a matter

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<sup>5</sup>He performs the duties of magistrate of first class as defined in Sec. 10 of the Criminal Procedure Code, 1898.

<sup>6</sup>*Report of the Bihar Police Commission*, 1961, p. 20.

<sup>7</sup>The Punjab Police Rules, No. 1.15.

<sup>8</sup>*Ibid.*, No. 1.20.

<sup>9</sup>*Ibid.*, No. 1.20.

<sup>10</sup>*Ibid.*, No. 1.21.

internal to the administration of the police force where inadequate arrangements for this purpose exist.

He exercises constant supervision over the prevention and detection of crime, for which he is responsible. It is an important part of his duty to inspect the police stations of his district, at regular intervals, or to cause them to be inspected by other magistrates. While inspecting he pays special attention to (a) station diary and the manner of keeping it, (b) collecting the vital statistics, (c) proper working of the Arms Act, (d) general state of crime. He has also to see whether the sub-inspector appears to have proper knowledge of his duties, whether he is in touch with the respectable inhabitants of his charge, has acquired local knowledge, etc.

## 2. *Distribution of Work among Various Courts*

He makes rules, from time to time, subject to the control of the state government, for the guidance of the magistrates as to the types of cases to be tried, the time and places of sitting, the constitution of the Bench for conducting trials, and the mode of settling differences of opinion which may arise between the magistrates subordinates to him. From time to time, he gives orders as to the distribution of business among the magistrates. In a sub-division, the similar control is exercised by a sub-divisional magistrate under the general control and supervision of the district magistrate.

The Code of Criminal Procedure empowers the district magistrate to invest a magistrate of the first class with the following additional powers :

- (a) Power to make orders prohibiting repetition of nuisance.<sup>11</sup>
- (b) Power to make orders where he apprehends the breach of peace.<sup>12</sup>
- (c) Power to take cognizance of offences upon police reports and upon complaints.<sup>13</sup>

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<sup>11</sup>The Criminal Procedure Code, 1898, Sec. 143.

<sup>12</sup>*Ibid.*, Sec. 144.

<sup>13</sup>*Ibid.*, Sec. 190.

(d) Power to transfer cases.<sup>14</sup>

In order to still decrease his workload he can invest the magistrate of the second and third class with the following additional powers :

(a) Power to make orders prohibiting repetition of nuisance.<sup>15</sup>

(b) Power to make orders under Sec. 144.

(c) Power to hold inquest.<sup>16</sup>

(d) Power to take cognizance of offences upon complaint and police reports.<sup>17</sup>

### 3. *Head of the Prosecuting Agency*

The duty of the investigating officer is to enquire into the facts of an alleged crime to bring all relevant facts to light. The process initiated by the police is continued through enquiry and trials before a magistrate where the public prosecutor discloses all the facts to enable the court to judge the innocence or guilt of the accused. The public prosecutors are officers of the court and not agents of the police in the court. District magistrate is a watch dog of government at the district level for litigation, in which government is involved as a party. In criminal cases state is represented through him but in civil litigation too where the state or a department is a party, he has to keep check over the progress of the litigation. Under Section 80 of the Civil Procedure Code, 1908, a notice of 60 days is necessary for a party to give to the state government and to the collector before the institution of a civil suit against the state government and any of its departments otherwise the suit stands liable to be dismissed on the first hearing itself. A confession is an admission made at any time by any person charged with a crime stating or suggesting an inference that he committed that crime.<sup>18</sup> He records the dying declaration under Section 32 of the Indian Evidence Act.

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<sup>14</sup>The Criminal Procedure Code, 1898, Sec. 192.

<sup>15</sup>*Ibid.*, Sec. 193.

<sup>16</sup>*Ibid.*, Sec. 174.

<sup>17</sup>*Ibid.*, Sec. 190.

<sup>18</sup>The Indian Evidence Act, 1872, Sec. 28.

In the states of Andhra Pradesh and Tamil Nadu, the system of police officers functioning as prosecutors has been completely given up. Even in the magistrates' courts, prosecutions are conducted by a class of officers known as assistant public prosecutors who are recruited from the Bar and are under the control of the district magistrate. There exists in Tamil Nadu a regular cadre of whole-time assistant public prosecutors. In Bombay, those officers are also recruited from the Bar but are styled as police prosecutors. In Uttar Pradesh, prosecuting inspector is generally appointed either from the Bar or from the police department. In the Punjab, the prosecuting agency is a part of the police department itself and is headed by a deputy superintendent of police incharge of prosecution work in all the magistrates' courts. District magistrate is one of the members of the selection committee which prepares and submits a panel of names to the government for appointment as public prosecutors and assistant public prosecutors, the other two members of the committee are the district and sessions judge and the superintendent of police.

The district magistrate being the chief executive authority in the district, and being the representative of the government, has the first call on the public prosecutor's professional services, both in the original as well as appellate courts. The prosecutors cannot accept a case for the defence or appeal or revision except with the written permission of the district magistrate obtained in advance. The public prosecutor cannot withdraw from the prosecutions of any person under Section 494 of Code of Criminal Procedure, unless he has obtained the permission of the district magistrate.

4. *Enforcement of Measures for the maintenance of law and order, and the Security of State under Criminal Procedure Code, Security of the Punjab State Act, Preventive Detection Act, etc.*

The first benefit of the government is the establishment of law and order because law and order is closely connected with the economic development. The successful defence of law and order is, therefore, both a characteristic as well as a necessary condition of modern economic progress. Shri S. S. Khera

listed six principles of law and order, "that law and order are an inseparable entity, that law and order must have absolute priority, that the rule of law must prevail, that law and order must comprehend the safety of all, without any exception whatsoever, that law and order involves the sanction of force, that law and order can prevail only if the principle of civil supremacy prevail".<sup>19</sup>

Whenever the district magistrate thinks that there are certain activities which are prejudicial to the security of the state or the maintenance of public order and the maintenance of supplies and services to the community, he may detain a person.<sup>20</sup> He submits an immediate report to the government containing full facts of the case for its approval, at the same time giving specific grounds of detention within the prescribed time to the defence.<sup>21</sup> He submits all the cases prepared of persons detained for review to the Advisory Board.<sup>22</sup> India appears to be the only democratic country in the world whose fundamental law sanctions detentions without trial in time of peace and in a situation which may not be in the nature of an emergency.<sup>23</sup> He can call for military assistance to deal with any situation for the aid of the civil administration.<sup>24</sup> He grants licences for firearms<sup>25</sup>, and maintains one of the copies of the register of arms licences and may suspend or cancel the same for the security of the public,<sup>26</sup> and can disarm any armed person without licence. He may cause to be searched any person having any arms, ammunitions or military stores for any unlawful purpose and detain the arms in safe custody if necessary.<sup>27</sup> He grants the permission to people to surrender and deposit their arms at the police stations and receives intimation regarding sales of arms, etc. He receives reports regarding inspection of shops, stocks and accounts of

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<sup>19</sup>S. S. Khera: *District Administration in India*, (Bombay, 1954), p. 70.

<sup>20</sup>Preventive Detention Act, 1950, Sec. 3.

<sup>21</sup>*Ibid.*, Sec. 7.

<sup>22</sup>*Ibid.*, Sec. 9. The central government and each state government constitutes one or more Advisory Boards, each consisting of three persons who possess the qualifications of being appointed a Judge of a High Court.

<sup>23</sup>*Indian Civil Liberties Bulletin*, August, 1957, p. 310.

<sup>24</sup>The Code of Criminal Procedure, Sec. 95.

<sup>25</sup>The Indian Arms Act, 1878, Sec. 17.

<sup>26</sup>*Ibid.*, Sec. 18.

<sup>27</sup>*Ibid.*, Sec. 25.



licensed manufacturers or vendors. He can issue orders directing that the contents of any telegram shall not be transmitted, intercepted, detained or disclosed to the government or its officers.<sup>28</sup>

If he is satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the state or the maintenance of public order he may order such a person, for one month not to enter, reside or remain in any area and can also put restrictions to the movements of such individuals.<sup>29</sup> He can command an unlawful assembly of five or more persons likely to cause a breach of the peace, to disperse and the persons who refuse to do so,<sup>30</sup> he may use force to disperse them and require the assistance of any male persons for that purpose.<sup>31</sup> If the district magistrate comes to the conclusion that such an assembly cannot be otherwise dispersed he may requisition the help of the military authorities<sup>32</sup> and it is the duty of the officer commanding to provide troops.<sup>33</sup> He can proceed against a person if he is likely to (a) commit a breach of the peace or disturb the public tranquillity or (b) to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity.<sup>34</sup> He may demand a security or order a person to execute a bond, with or without sureties from any one who (a) disseminates seditious matter, (b) from vagrants and suspected persons, (c) habitual offenders.<sup>35</sup> Whenever it appears to him that (a) immediate prevention of a public nuisance or (b) when speedy remedy of an apprehended danger is desirable, he may issue a written order. He must either direct any person (a) to abstain from a certain act or (b) to take certain order with certain property in his possession or under his management, and such directions can only be given to prevent

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<sup>28</sup>The Telegraph Act, 1885, Sec. 5(2).

<sup>29</sup>The Punjab Security of the State Act, 1953, Sec. 7.

<sup>30</sup>The Criminal Procedure Code, 1898, Sec. 127(1).

<sup>31</sup>*Ibid.*, Sec. 128. The instructions on the use of force should be in conformity with the provisions of law. The general provisions governing them have been summarised in *Report of the Kerala Police Reorganisation Committee*, p. 71. Also refer S. S. Khera, *op. cit.*, Ch. VIII.

<sup>32</sup>*Ibid.*, Sec. 128.

<sup>33</sup>*Ibid.*, Sec. 130.

<sup>34</sup>*Ibid.*, Sec. 107.

<sup>35</sup>*Ibid.*, Secs. 108, 109, 110.

(i) obstruction, annoyance, or injury to any person lawfully employed, (ii) danger to human life, health or safety, or (iii) disturbance of the public tranquillity, or a riot, or an affray. It may either be directed to a person individually or to the public generally when present in the particular places.<sup>36</sup> This has been provided for a temporary remedy to meet an emergency and to prevent an imminent breach of the peace. With regard to the provisions of Section 153-A of the Indian Penal Code, it was felt that it went a long way to serve the cause but action was generally delayed due to long correspondence between the district magistrate and the state government and the consensus of opinion among the chief ministers of all the states in an annual conference was that it would be better to delegate the authority to district magistrate himself so that he could take immediate action.<sup>37</sup> At the time of disturbance, he prohibits the members of the public from going about in particular localities only during stated hours.<sup>38</sup> These orders are popularly known as 'curfew orders' and are only temporary, expiring after two months.

After the separation of judiciary and executive, executive magistrates help the district magistrate for the maintenance of law and order. The executive magistrates are expected to dispose of 60 units of cases a month. Each security case amounts for half the unit. The general assistant, district development and panchayat officer and sub-divisional officer (civil) also deal with security cases and they are expected to dispose of about 20 units a month besides their other duties. Sometimes the deputy commissioner distributes criminal work among the sub-divisional officers, general assistant and executive magistrates.

##### 5. *Declaration and Correspondence relating to Mass Media*

There is a Public Relations Officer in every district to give publicity to government policies and programmes who also aids

<sup>36</sup>The Criminal Code, 1898, Sec. 144.

<sup>37</sup>The Hindustan Times, Monday, May 20, 1968, p. 10.

<sup>38</sup>"In the rural development no other part of India can compare with the Punjab, and its people are unmatched for vigour, enterprise and endurance. But one thing is lacking—the communal harmony". M. Darling: *The Punjab Peasant in Prosperity and Debt* (Oxford, 1947), pp. 263-64.

him in maintaining good relations with the press and the public. In the Punjab, there are 534 printing presses and the number of newspapers and periodicals come to 478.<sup>39</sup> It is difficult for the district magistrate to get the unanimous support of all the dailies and other journals in the district, because they represent diverse interests and rival groups. The factions and rivalries in his office or in the subordinate offices, the differences of opinion between him and the district officers and even minor slips committed by him catch the attention of the newspapers.

There is always the fear of the outbreak of the communal disturbances. In order to prevent them a conference presided over by the district magistrate at the district headquarters or by sub-divisional officer at the sub-division headquarters is held and peace committees are formed in each ward, or in the area where such disturbances are possible. The members of the committee are expected to keep the local magistrate and the police officer incharge of police station informed about the situation.

#### 6. *Superintendent of Police's Weekly Crime Dairy*

There is direct correspondence between the district magistrate and the superintendent of police because there are certain statements like the crime reports and the intelligence reports which are submitted by the superintendent of police to the district magistrate. The secretary of the home department (police) in the secretariat keeps close touch for taking suitable measures for checking the spread of agitation or disturbance which may be prevailing in other states and which may have likely repercussions in the state. Necessary instructions are sent by the home secretary to the district magistrate for taking necessary precautions when the law and order situation deteriorates in the neighbouring states. The district magistrate keeps a close watch over the law and order situation through the local criminal investigation department and the other police agencies. It is generally a practice now that regular information is sent by the superintendent of police to the district magistrate for any apprehension of breach of peace. Sometimes the district magistrate has been able to collect the intelligence from the revenue machinery regarding the political

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<sup>39</sup>*Statistical Abstract of Punjab* (Chandigarh, 1967), p. 631.

events which take place in the district. The central intelligence agency and criminal investigation department collect some information and pass it to him. The annual report of police administration is forwarded by superintendent of police to the district magistrate who reviews it and sends it to the Inspector-General of Police. The police officer has to collect and communicate intelligence reports to district magistrates affecting the public peace, prevent the commission of offences and public nuisance, apprehend and detect offenders and bring them to justice.<sup>40</sup>

#### 7. *Revision, Pardon, Discharge, etc.*

The power of revising the orders of subordinate criminal courts are given concurrently to High Court, sessions judge and district magistrate. The district magistrate is competent to call for and examine the records of any proceeding before any subordinate criminal court within his jurisdiction for the purpose of satisfying himself as to their correctness, legality or propriety of any finding, sentence or order and the regularity of any proceeding before such subordinate court. The powers of district magistrate and sessions judge are, however, limited.<sup>41</sup> The powers of the district magistrate and of the sessions judge to pass final orders in exercise of their revisional jurisdiction are limited to cases of erroneous dismissals of complaints or the discharge of persons accused of an offence or when, in cases exclusively triable by a court of sessions, an accused person has been improperly discharged by the committal court. In these cases, they have the power to order further enquiry or direct the commitment of the accused person to sessions court. In other cases of incorrectness, illegality, impropriety or irregularity, the district magistrate is not empowered to pass any final order. He can only report the case with his recommendations to the High Court for orders. A sub-divisional magistrate cannot pass any order in revision if he finds any illegality, impropriety or irregularity, he can only forward the record with his remarks to the district magistrate.

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<sup>40</sup>The Police Act, 1861, Sec. 23.

<sup>41</sup>The Code of Criminal Procedure, 1898, Sec. 435.

Where the offence is under inquiry or trial, the person who is supposed to have been directly concerned in, or party to, the offence under inquiry, can turn an approver to tell as a witness all that he knows of the case, the district magistrate or any other magistrate with the sanction of the district magistrate can grant the pardon.<sup>42</sup> The object of giving this power is to obtain true evidence of offences by the grant of pardon to accomplices so as to prevent the escape of the offenders from punishment for lack of evidence. After a person has fulfilled the conditions of the pardon he is released and a committing magistrate having once tendered a pardon has no jurisdiction in law to withdraw it.

Whenever the accused is the first offender, and if he is entitled to the indulgence on the score of his age, character, or antecedents, and to the circumstances in which the offence is committed, the district magistrate has the power to release him on probation of good conduct instead of sentencing him to punishment.<sup>43</sup>

#### 8. *Issuing of Commission Notices, etc.*

In civil cases, the courts have power to issue commissions for examination of witnesses.<sup>44</sup> The power of issuing commissions in criminal cases is conferred on (i) a high court, (ii) the court of sessions, and (iii) any magistrate. It is confined only to those cases where the examination of a witness is necessary for the ends of justice and an unreasonable amount of delay, expense or inconvenience might be caused in arranging the attendance. If the witness resides outside the Presidency Courts, the commission may be issued by a district magistrate or a first class magistrate. If any lower magistrate desires to issue a commission he must apply to the district magistrate for the purpose.<sup>45</sup> As a general rule in criminal proceedings, the important witnesses whose

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<sup>42</sup>The Code of Criminal Procedure, 1898, Sec. 337.

<sup>43</sup>Under Sec. 562 of the Code of Criminal Procedure, 1898, first offenders fall into two classes : (i) those above the age of twenty-one years and convicted of an offence punishable with imprisonment for not more than seven years, and (ii) those under the age of twenty-one years or women and convicted of an offence not punishable with death or imprisonment for life.

<sup>44</sup>The Civil Procedure Code, 1908, Sec. 575 to 78 and Order No. XXVI, Rules 1-8.

<sup>45</sup>The Criminal Procedure Code, 1898, Sec. 504.

testimony in the case against the accused has to be established must be examined in court and usually the issuing of commission is restricted to formal witnesses or to such witnesses who cannot be produced without unreasonable delay or inconvenience.<sup>46</sup>

Section 80 of the Code of Civil Procedure (V of 1908) protects a public officer in respect of any act purporting to be done by such public officer in his official capacity. No suit can be instituted against the government or against the public officer for any act done by him in official capacity until the expiration of two months next after notice in writing has been delivered. In the case of government, the notice can be issued to a secretary to that government or the district magistrate of the district.

### 9. *Issuing of Licences*

He receives applications for the grant of licence for explosives and orders inquiries through the police department.<sup>47</sup> Whenever there is an accident by explosion or by fire attended with loss of human life or serious injury to person or property in connection with any place, carriage or vessel under the control of the Indian forces, he holds an enquiry and submits the report to the central government.<sup>48</sup> He may order the prohibition of the performance of an objectionable drama, etc., and call for necessary confirmation from the author, proprietor or printer of the drama.<sup>49</sup> He may seize the material and arrest the persons who try to act in contravention of the prohibited order.<sup>50</sup> He has the authority to give permission to a licensee or any person authorised by him to enter any premises after notice, for examining and testing the electric wires, fittings works, etc.<sup>51</sup> He may sanction an offence under Section 4 of Metal Tokens Act, 1889

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<sup>46</sup>The taking of evidence on commission in criminal cases is seldom resorted to, either in the extreme cases of delay, expenses or inconvenience or in some of the States for a pardanashin Lady (the Lady who does not appear in public). It is quite common in U.P. for recording evidence of formal witnesses.

<sup>47</sup>Explosive Rules, 1940, made under Secs. 5 and 7 of the Indian Explosive Act, 1884, Rule No. 84. *Gazette of India Extraordinary*, 1884, p. 749.

<sup>48</sup>*Ibid.*, Rule No. 114.

<sup>49</sup>The Dramatic Performance Act, 1876, Sec. 7.

<sup>50</sup>*Ibid.*, Sec. 10.

<sup>51</sup>The Indian Electricity Act, 1910. The Schedule Clause XII.

for being treated as a cognizable offence by a magistrate.<sup>52</sup> He can grant licences for possession and sale of all types of poisons and poisonous substances.<sup>53</sup> He can also issue warrants for the search of any place where poison is suspected.<sup>54</sup> He can prescribe the speed limit of vehicles within his district,<sup>55</sup> and is the registering authority for the registration of the motor vehicles and the payment of taxes as well as licensing authority for the issue of licences for drivers and conductors.<sup>56</sup> He can issue a warrant for the arrest of a suspected offender under the Dangerous Drugs Act, 1930.<sup>57</sup> He issues a warrant for the arrest of a fugitive criminal of any state including a foreign state if the crime had been committed within his jurisdiction and reports thereof to the Central Government and detains such a person.<sup>58</sup>

#### 10. *Control over Jails*

The jail is under the general control of district magistrate, under the overall charge of the Inspector-General of Prisons. He is required to inspect a jail every month to count all the prisoners in the different wards to give every prisoner an opportunity of speaking, if he so wishes, to examine the record of discipline, the checking of the security arrangements, to examine the jail tickets of every undertrial to satisfy that there is no undue delay in disposal of his case or no undue remands are given to him, to examine the food and the kitchens, etc.<sup>59</sup> The superintendent of a prison other than a central prison is required to obey all lawful orders of the district magistrate.<sup>60</sup> He makes inquiry and trial of prisoners committing frequent breach of discipline and requiring punishment stricter than that which

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<sup>52</sup>The Metal Tokens Act, 1889, Sec. 5.

<sup>53</sup>The Poison Act, 1919, Sec. 2.

<sup>54</sup>*Ibid.*, Sec. 7.

<sup>55</sup>The Motor Vehicle Act, 1939, Sec. 71.

<sup>56</sup>These powers have now been delegated to the S.D.M.'s and all these functions are being performed by them. There is, of course, a general complaint that there are heavy arrears.

<sup>57</sup>The Dangerous Drug Act, 1930, Sec. 20.

<sup>58</sup>The Indian Extradition Act, 1903, Sec. 7.

<sup>59</sup>Monthly inspections are now made by the executive magistrates on behalf of district magistrate.

<sup>60</sup>Prison Act, 1894, Sec. 11(2).

can be awarded by the superintendent.<sup>61</sup> If he is satisfied that for the purposes of any investigation or proceeding under the Code of Criminal Procedure, 1898, he can direct any person to allow his measurements or photographs to be taken.<sup>62</sup> He authorises by addressing a letter to the superintendent of jail, any police officer to interrogate any prisoner. He also receives special reports from the superintendent of the jail, on the outbreak of epidemics in the jail, on marks of violence on under-trial and convicted prisoners, on escape of a prisoner, on death of a prisoner, etc. When a person is convicted, generally he is classified. The classification of a prisoner as an habitual criminal in case of omission of his classification by the convicting magistrate is done by him. He has also the authority to revise the classification and takes actions on cases of prisoners recommended for release on medical grounds, gives opinions in the cases of premature release of prisoners and in regard to prisoners to be released on furlough. He deposes an executive magistrate to attend the execution of a prisoner sentenced to death and countersigns the report thereof before it is sent to the sessions judge. He grants the transfer of convicted and under-trial prisoners from one sub-jail to the other.

### 11. *Appeals, Transfers*

The district magistrate supervises the work of all executive magistrates subordinate to him and might send for the file of any case and examine it. Before 1955, the district magistrate reported to high court those cases decided by the magistrates under his charge which he thought had been passed wrongly, but now appeals by persons convicted at a trial held by magistrates of the second and third classes lie to the court of the sessions judge.<sup>63</sup>

A magistrate of second or third class has power to refuse to accept a surety or to reject a surety already accepted by him or his predecessor, any person who is aggrieved by such an order can file an appeal to the district magistrate.<sup>64</sup> He

<sup>61</sup>Prison Act, 1894, Sec. 11(2).

<sup>62</sup>The Identification of Prisoners Act, 1920, Sec. 5.

<sup>63</sup>Sec. 407 of the Criminal Procedure Code omitted by Sec. 8 of Act 26 of 1955.

<sup>64</sup>The Criminal Procedure Code, 1898, Sec. 406A.



may transfer any appeal presented to him to an additional district magistrate. The state government may authorise the district magistrate to withdraw from any magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases. When any case is made over to any subordinate magistrate by him, he has the authority to withdraw that case from the subordinate magistrate and refer it for inquiry or trial to any other magistrate competent to inquire into or try the same.<sup>65</sup> In the postings and transfers of the station officers and circle inspectors, the superintendent of police has to take the prior approval of the district magistrate. If the district magistrate feels that any police officer below the rank of inspector is unfit for the locality in which he is stationed, or unfit for his particular duties, he can ask the superintendent of police to transfer him. When he wants to transfer the inspector outside the district, he can ask the superintendent of police to move the Inspector-General of Police or Deputy Inspector General of Police.<sup>66</sup>

## 12. *Annual Confidential Reports*

The Report on Reorganisation in 1953 recommended the writing of confidential reports of the superintendent of police and deputy superintendent of police by the district magistrate but no definite decision was taken till 1959. When the question came up for consideration in the conference of commissioners and deputy commissioners the participants strongly and categorically supported the proposal.<sup>67</sup> The reasons for supporting the view were given as (a) under the police rules, the district magistrate is responsible for law and order in the district, (b) such recording of remarks will, in no way interfere with the assessment of the officer's work by his technical and other superiors.

Those who favour the writing of report of superintendent of police by the district magistrate argue that the Criminal Procedure

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<sup>65</sup>The Criminal Procedure Code, 1898, Sec. 528.

<sup>66</sup>*Indian Police Commission Report, op. cit.*, para 5.5.

<sup>67</sup>Proceedings of the Conference of Commissioners and Deputy Commissioners held in 1959. (Arranged by the Government of Punjab) Recommendation No. 1.5, p. 11.

Code, Police Act, and Punjab Police Rules cast a heavy duty on district magistrate as regards the maintenance of law and order and the criminal administration of the district, therefore, he should have overall control over the head of the police force in the district. The district magistrate being officer on the spot, has first hand knowledge and information about the work and conduct of superintendent of police. The police department has to put forward the following objections:

1. The Punjab Police Commission of 1961-62 has gone in deep details about the problem and their recommendations that such reports are unnecessary must be accepted;
2. The existing arrangement and system have worked well for decades and it should not be changed;
3. The relevant laws and the rules give district magistrate ample powers to discharge their responsibilities as regards the law and order and at no time they have found themselves handicapped in the matter.

The Council of Ministers decided that the subject matter should come up for separate consideration by the Council and later it was decided that the district magistrate should remain in close contact and cooperation with the superintendent of police. There should be no question of his trying to boss over as he is neither required to do so nor he is capable of it. The matter whether he should write the confidential reports of the superintendent of police was thoroughly examined by the Punjab Police Commission of 1961-62, which disapproved the practice. The U.P. Police Commission was also of the same opinion.<sup>68</sup> Holding that the position of the district magistrate had in substance and reality considerably changed by the separation of judicial and executive functions, the confidential reports should not be written by the district magistrate. The Bihar Police Commission observed, "Substantial evidence has been laid before the Commission to indicate that the writing of the confidential character roll is really a matter for the department and effects the internal administration and discipline of the force. The commission agrees with this view and recommends that the confidential character roll of district superintendents of police

<sup>68</sup> *U.P. Police Commission Report*, 1960-61, pp. 16-17.

should be initiated by the Range Deputy Inspector General and submitted to the Inspector-General through the Commissioner of the division."<sup>69</sup> Deputy Commissioner writes the confidential reports in all other states, except Punjab, Rajasthan and U.P. In Bihar, he also approves the tour programme of the superintendent of police. Recently a committee appointed by the government observed:

"During the examination of witnesses we were surprised to find that the traditional role of the collector as the officer fully responsible for the maintenance of law and order in the district has been subjected to a slow process of abridgement. We are informed that instances are rare where in matters relating to law and order superintendents of police receive instructions directly from the Inspector General of Police, which are often not communicated to the collector in advance. Such practices should cease. The concept that the collector is the head of the district police and is responsible for the maintenance of law and order is a time honoured one and has necessarily to be respected. It is to the collector that the government looks for maintenance of law and order; it is the collector who is taken to task by government if things go wrong. It is, therefore, essential that nothing is done to curtail his authority or to weaken his control. In our opinion the assessment of local law and order situations should be the responsibility of the collector, assisted by the superintendent of police; where the Inspector General of Police considers it necessary to issue instructions to the superintendent of police he should invariably keep the collector informed. In our view, intervention by the Inspector General of Police will become necessary only in law and order situation having inter-district or state-wide implications; in such cases instructions to the collector must issue from the government. In all local situations the superintendent of police should take instructions from the collector. We recommend

<sup>69</sup>*Report of the Bihar Police Commission, 1961, p. 151.* In Madras, Madhya Pradesh, District Magistrate writes confidential reports on S.P.s work. In U.P. he reports to Commissioner, who may or may not use his report for recording his own remarks. In Rajasthan, he sends his remarks separately which are placed in record.

that government should issue instructions on these lines."<sup>70</sup>

### 13. *Separation of Judicial and Executive Functions*

The functions of district magistrate can be divided into three broad categories, namely, (a) police functions in the nature of detection and prevention of crimes, etc., (b) administrative functions like issuing of licences, etc., (c) functions which are essentially of a judicial nature. The judicial functions have evoked a kind of controversy and it is generally pointed out that as an executive officer, he has contracted a habit of mind which has made him unfit for the impartial discharge of magisterial duties. Some also point out that the district magistrate tried cases and regard it objectionable that an officer who is the head of the police and responsible for the peace of the district, should supervise the work of his subordinate magistrates. There are certain powers which are liable to be misused by the district magistrate, e.g., under Section 110 of the Criminal Procedure Code, he may call any person within the limits of his jurisdiction to show cause why he should not be ordered to execute bonds for his good behaviour. Some people favour the union of functions and say that separation would be opposed to the tradition and genius of the oriental people who were accustomed to look to one man for peace and justice and who would be confused if the same man who put them under arrest did not also try them and send them to prison.

Those who have been advocating the cause for giving more powers to the district magistrate say that the supreme authority of the district magistrate would enable him to deal with extraordinary law and order problems. The argument is that the whole of the Criminal Procedure Code is based on the assumption that the district magistrate is a responsible, impartial officer able to check, by the use of a judicious discretion of reckless use of police powers. They also point out that this arrangement (a) lessened the opportunities of departmental friction and fixed responsibility and (b) it provided a superior authority nearer than the provincial government to set things right when they

<sup>70</sup>Report of the Administrative Reorganisation and Economy Committee, Government of Kerala (1965-67), pp. 39-40.

went wrong. The question of the separation of judiciary from executive had been raised various times because the Britishers felt that it was not enough that the administration of justice should be pure, to be the bedrock of British rule it must also be above suspicion.

As early as 1792, Lord Cornwallis recognised that the independent functioning of the judiciary could only be secured by freeing the judiciary from all suspicion of executive influence or control, direct or indirect. It was laid down that, "the government must divest itself of the power of infringing in its executive capacity on the rights and privileges which, as exercising the legislative authority, it has conferred on the land-holders. The revenue officers must be deprived of their judicial powers."<sup>71</sup> In 1838, a committee was appointed to formulate principles for the efficient organisation of police.<sup>72</sup> In 1886, Indian National Congress passed a resolution unanimously for the separation and from that year to 1913 there was not a single year in which this reform was not advocated or urged.<sup>73</sup> In 1889, a deputation waited upon Lord Dufferin, the then Governor-General of India who described the proposal as a "counsel of perfection" but added that the condition of Indian finance did not warrant it.<sup>74</sup> In 1899, another representation was made,<sup>75</sup> but only in three presidency towns of Bombay, Calcutta and Madras, the separation of judicial and executive functions was introduced.<sup>76</sup> The views of the Britishers were well known

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<sup>71</sup>Bengal Regulation 11 of 1793, Sec. 1.

<sup>72</sup>Mr. F.J. Halliday, a member of the Committee pleaded for separation of the judicial and executive functions. *Report of the Royal Commission on the Public Services in India*, Vol. I, 1916, London.

<sup>73</sup>The Indian National Congress, full text of all of the Presidential Addresses and the Resolutions passed up-to-date (Madras 1917), p. 7-165.

<sup>74</sup>*Report of the Royal Commission on Public Services in India, Vol. I, 1916*, Minute by Mr. Abdur Rahim, p. 451. Also on May 8, 1893, Lord Kimberley, then Secretary of State for India in the debate in the House of Lords said, "the difficulty is simply this, that if you were to allow the present system in India, you would have to double the staff throughout the country". *Ibid.*, p. 450.

<sup>75</sup>*Report of the Law Commission of India*, Fourteenth Report, Vol. II, *op. cit.*, p. 850.

<sup>76</sup>Memorandum on some of the results of Indian Administration during the past fifty years of British rule in India presented to both houses of Parliament by Command of His Majesty by Secretary of State (Indian

and they were opposed to it. One of them said, "One of the chief planks of the congress platform is the separation of administrative and judicial functions, which means further centralisation and another blow to the influence of the district officer. True, this change would provide a great many more appointments for graduates of the agitated class, and more particularly for lawyers, who are the soul of the agitation, and its most able exponents. These men are, of course, capable of filling most offices as far as intellect and education go, but the masses do not want them, do not like them, and do not trust them. They appreciate village arbitration, or failing that, adjudication by the Imperial English Officer."<sup>77</sup> The judicial branches of the Punjab Civil Services were entirely separated, the officers administering civil justice were to be directly recruited by a competitive examination. In 1921, the Government of the Punjab appointed a committee to investigate and make recommendations for the separation of the judiciary from the executive.<sup>78</sup> Certain changes were made but the deputy commissioner remained as before, the officer responsible for peace and tranquillity of British India. The serious defects which arose from the combination of two functions, were the miscarriage of justice and concentration of authority.<sup>79</sup>

The Punjab Reforms Committee, 1929, also gave a caution

<sup>77</sup>J. D. Rees : *The Real India* (London, 1908), p. 214.

<sup>78</sup>*Punjab Legislative Council Debates*, dated November 24, 1923, Vol. V, p. 1400.

<sup>79</sup>Sheikh Mohammad Sadiq said, "Supposing there is a magistrate by name Chaudhri Fazal Ali. Whenever he meets the deputy commissioner . . . he will not tell him; well, so and so punish this man or acquit this man. The deputy commissioner will simply casually say well, . . . Chaudhri Sahib, what about such and such case in which so and so is accused; what is your opinion about him? This hint from the deputy commissioner is enough for the subordinate magistrate whose very existence depends on the goodwill of the deputy commissioner. The subordinate magistrate will read the intentions of the superior officers and conduct himself in a way suited to his superior officer . . . Supposing a deputy commissioner wants a man to be convicted, he will simply say to the magistrate, well, Chaudhri Sahib, what about this fellow; he is making a lot of Garhbarh (Disorder) in the province. The magistrate is not so thickheaded as not to read what his master wants him to do, and so they who make a lot of 'garhbarh' are booked for jail. In this way, during the days of political agitation so many people were convicted because they got into disfavour with the magistracy." Speech of Sheikh Mohammad Sadiq in the *Punjab Legislative Council Debates*, 1926. Vol. IX-A, p. 677. The Chief Justice of the Lahore High Court also supported the separation of Judiciary and executive. See the *Punjab Legislative Assembly Debates for the year 1939*, Vol. VIII, p. 118.

that time had arrived when the change should be made and made certain recommendations which were never acted upon<sup>80</sup>. The Joint Committee of Indian Constitutional Reforms framed proposals for securing independence of the subordinate judiciary.<sup>81</sup> On the recommendation of the Joint Committee the Government of India Act, 1935 relaxed the control of the executive over the civil judiciary.<sup>82</sup> By 1947, the civil judiciary has been completely separated from the executive, but such was not the case with criminal judiciary. The position of the deputy commissioner remained unchanged, he remained the head of the police and was also responsible for the maintenance of law and order. The magistrates also performed police and executive functions besides their essential judicial functions. It was obviously in the interest of the foreign rulers to entrench executive authority by bestowing upon it some judicial functions as well, and naturally notwithstanding the acceptance of the principle and the incessant demands of various sections of the people the reform was not carried out till after independence.<sup>83</sup>

In the Punjab, the commissioners of the divisions performed the revenue, the executive and the judicial (both civil and criminal) functions in their divisions. The deputy commissioner combined in himself all the powers.<sup>84</sup> The rapidly increasing calls on the time and energies of the administrative officers after the Mutiny and especially the increase of judicial work necessitated separation between the judicial and executive functions.<sup>85</sup> The bifurcation of the judicial and executive functions was affected by the establishment of a Chief Court in 1865 which performed purely judicial functions. Later a practice was started to

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<sup>80</sup>*Report of the Punjab Reforms Committee, 1929* (Lahore, 1929), pp. 1-2. Also pp. 55-56.

<sup>81</sup>*Joint Committee on Indian Constitutional Reform Report*, Vol. I Para, I, Session 1933-34, *op. cit.*; 201. Also refer to Parliamentary Debates Extracts relating to Indian affairs. Reprinted from the official *Report of the Debates of the House of Lords*, Session 1934-35, Part III (from June 6 to July 4, 1935), Indian Office (London, 1935), pp. 892-95.

<sup>82</sup>Government of India Act, 1935, Sec. 255(j).

<sup>83</sup>*Report of the Law Commission of India, Fourteenth Report*, Vol. II (New Delhi, 1959), p. 851.

<sup>84</sup>He was the District Judge, the district magistrate as well as the collector of revenue.

<sup>85</sup>*The Land of the Five Rivers* being a decennial report of the Administration of the Punjab for the year 1921-22, Lahore, p. 70.

concentrate the civil work of a district in one court, or to require officers to devote themselves to civil work for a stated period and then to criminal work.<sup>86</sup> In 1875, Judicial Agency Scheme was introduced to relieve the tehsildar, deputy commissioner and commissioner of the excess of the judicial work which hampered their efficiency. In twenty-three districts most of the judicial work of the deputy commissioner was transferred to Judicial assistants.<sup>87</sup> Two additional commissioners were appointed, one at Amritsar and the other at Lahore, in order to relieve the deputy commissioners by aiding them in the disposal of civil and criminal appeals. Tehsildars were also relieved of their civil judicial work.<sup>88</sup>

Right from the beginning, the judiciary in the Punjab was completely under the control of the executive in matters of appointment, dismissal, suspension, and other conditions of service. There was a gradual separation of the judicial and executive branches in the highest six of the seven grades of extra assistant commissioners. The conditions of service of each grade were the same in both the branches. The members of the executive branch were styled as extra assistant commissioners and those of the judicial branch<sup>89</sup> were known as judicial assistant commissioners.

The directive principles of state policy enjoin under Article 50 of the Constitution that "the state shall take steps to separate the judiciary from the executive in the public services of the state."

The whole matter was considered by the Law Commission of India.<sup>90</sup> The commission recommended:

1. Separation has worked satisfactorily where it had been introduced and its introduction has not created any difficulties.

<sup>86</sup>*The Report on the Administration of Civil Justice in the Punjab for the year 1870*, p. 265, para 279.

<sup>87</sup>*The Land of the Five Rivers*, *op. cit.*, para 70.

<sup>88</sup>*Punjab Administration Report for the year 1875-76*, p. 32, para 36.

<sup>89</sup>*The Land of Five Rivers*, *op. cit.*, para 76.

<sup>90</sup>Report of the Law Commission of India, 1961, *op. cit.*, para 22.



2. The additional expense of administration due to the introduction of the scheme will not be great as is known by the experience of the states which have introduced it. Such additional expenditure is essential for the proper administration of justice.
3. The lack of adequate personnel may create difficulties and it may be introduced gradually.<sup>91</sup>
4. The system of separation should be a real one and not merely one in form as in Uttar Pradesh and in the Punjab.
5. Under the scheme it would be desirable to appoint a district magistrate (judicial) for the purpose of exercising effective supervision and control over other subordinate judges as district and sessions judge will be too busy.
6. Legislation for bringing about separation should be enacted by Parliament on the model of the Bombay Separation of Judicial and Executive Functions Act (XXII of 1951). If the legislation is not immediately possible it should be introduced through executive orders as is done in Tamil Nadu.

Those who supported the separation move pointed out that (a) on purely administrative matters alone there should be a uniform policy for all districts of the state, (b) total separation restores public confidence in the judiciary, (c) separation is a progressive and enlightened step and we should be at par with Tamil Nadu, Andhra Pradesh, Maharashtra, etc., where the system is working very effectively, (d) it will bring improvement in the standards of police investigation because executive will not be able to interfere, (e) it will ensure speedier dispensation of justice because there will not be frequent adjournments due to the urgency of the executive duties, (f) it will ensure an independent and fearless judiciary, which is essential for the success of democracy. Those who opposed the separation had the following objections to raise, firstly, total separation leads to increase of crime. It is very difficult to believe and especially when it was the unanimous view of the Inspector Generals of Police of all

the states excepting Kerala (whose Inspector General did not give evidence before the Law Commission) in which there had been the scheme of separation of powers, that the introduction of the separation scheme had not any adverse effect on the law and order situation.<sup>92</sup> Secondly, objection is raised that in the event of total separation, government will not be able to deal effectively with the communal problems. This again can be contradicted in the sense that in the erstwhile state of Pepsu, separation had been in force for a considerable time and the continuance of the separation in that area did not give rise to any special problem. Thirdly, it is claimed that the judicial magistrates expect far too high standards of evidence and are prone, in cases of conviction, to award too low a sentence of conviction, and without regard to the nature and frequency of the offence. This objection cuts at the very foundation of the system of criminal investigation which requires (a) an independent judiciary, (b) judicial proof of guilt, and (c) courts which are not influenced by extraneous considerations or pressures exerted by the executive or politicians. Fourthly, those who claim that the separation is going to weaken the executive, will get their answer in the Law Commission Report.

“It needs to be emphasized at the risk of repetition that the scheme of separation will in no way make the path of the wrong-doer easier or weaken legitimate authority. All that we are trying to ensure is that in the conduct of criminal trials, extra legal means are not held in terrorem to weigh the scales in favour of the prosecution. The powers necessary for maintaining law and order in the hands of the collector and his subordinates will remain unaffected.

What will be ensured is that those administering justice in those conducting criminal trials shall not be in any manner under the executive so that not only will justice be done but that justice will be manifestly seen to be done.”<sup>93</sup>

Lastly, there is a fear, that the introduction of the scheme will involve additional expenditure. There will be so many advantages of separating the system and even if there is

<sup>92</sup>Report of the Law Commission, 1961, *op. cit.*, Ch. 41, para 13.

<sup>93</sup>*Ibid.*, para 18.

slight increase in expenditure, it can be compensated by effecting retrenchment to a certain extent on the executive side as some of the executive officers as a result of the separation are freed from their judicial duties. Even if additional expenses become inevitable, such expenditure should not be grudged. In the words of Sir Harvey Adamson "the experiment may be a costly one, but we think that the object is worthy". The government of India made an appeal to the state governments to fix a target date for the completion of separation of the executive and the judiciary. The then Chief Minister of the Punjab, Sardar Kairon was not in favour of complete separation unless justice was cheaper and impartial. He held that the separation of the judiciary from the executive could be beneficial only when the general mass of the people was so educated as not to blame the government for the miscarriage of justice and till then the executive should always intervene on behalf of the citizens.<sup>94</sup> This appears to be an erroneous belief. The Law Commission of India observed that even the limited separation which had been introduced in some districts of the Punjab had yielded beneficial results.<sup>95</sup> Before complete separation of judicial and executive took place in the Punjab, there were two types of administration : (1) in the areas of erstwhile Pepsu, there was complete separation of judiciary from the executive, the sub-judges-cum-magistrates were under the control of the district and sessions judges.<sup>96</sup> The executive magistrates dealt with security cases only. (2) There was partial separation of powers in some districts,<sup>97</sup> the judicial magistrates who dealt with criminal judicial work were under administrative control of the district and sessions judge. The judicial magistrates were appointed by the government and they were under the overall control of the chief secretary without any interference of high court in any manner.<sup>98</sup> In many districts the magistracy was under the control of district magistrate.

<sup>94</sup>*The Tribune*, Ambala, dated June 8, 1963. Statement of Shri Pratap Singh Kairon, Chief Minister, Punjab, on separation of judiciary and executive.

<sup>95</sup>Report of the Law Commission of India, 1961, *op. cit.*, Vol. II, p. 112.

<sup>96</sup>High Court had nothing to do with district magistrates.

<sup>97</sup>In five districts, *e.g.*, Gurgaon, Ambala, Jullundur, Simla and Hoshiarpur.

<sup>98</sup>The staff of the Judicial Magistrates in these districts also continued to be part of the deputy commissioner's establishment.

The separation of the judiciary from the executive was completed on October 2, 1964, and the Punjab Separation of Judicial and Executive Functions Act on the lines of a similar Bombay Act had been passed. It is true that deputy commissioner after separation of powers has been relieved of some of the magisterial powers exercised by him but in practice, he still continues to be, "the real chief executive administrator of the tract of country committed to him, and *supreme* over every one and everything except the proceedings of the court of justice".<sup>99</sup> Separation has, in fact, eroded his authority a great deal but has created confidence in the public in the judicial working of the magistracy (now under the High Court).

There are certain cases which deal with persons who plead guilty on their first appearance. Such cases are under Sections 108, 112, 113, 118, 121 and 122 of the Indian Railways Act dealing with offences relating to unauthorised pulling of the communication chains, trespassing, ticketless travelling, etc. Under the Motor Vehicles Act and under Prevention of Cruelty of Animals Act, 1890; where the accused plead guilt in the very first appearance, there is no need of transferring these cases to the judicial magistrate for trial because it would entail waste of time and energy and unnecessary harassment to the accused. The nature of offences is as such that the trial is to be held on the spot and the judicial magistrates cannot be sent on such drives without impairing their efficiency on other fronts.

#### 14. *Miscellaneous Duties*

The collector is in charge of the registration of births, and deaths in the district. In the rural areas, this work is undertaken at the police stations but in the urban areas, it is assigned to municipal committees. Police as well as municipal committees transmit their record to the office of the district medical officer of health. The sanction of the district magistrate is needed for the correction of any entry and all the applications which lie with the Chief Medical Officer of the district are forwarded by him for the orders of the district magistrate.

He can order establishment of ponds in villages not having

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<sup>99</sup>*The Indian Statutory Commission Report* (1930), p. 308. Emphasis Added.

panchayats and can appoint pond keepers.<sup>100</sup> When the cattle trespass on land and do damage and cause hurt, etc., or when they damage public roads, canals and embankments, they are impounded and if they are not claimed within a week, they are disposed of by him by public auction.<sup>101</sup> It is the natural and fundamental duty of a man to maintain his wife and children so long as they are unable to maintain themselves. If a person who has sufficient means neglects his wife or children, the district magistrate can order such a person to make a monthly allowance for the maintenance of such dependents, at such monthly rate, not exceeding five hundred rupees in the whole.<sup>102</sup>

The enforcement of the provisions of the Essential Commodities Act, 1955 has entailed a heavy responsibility on him. The district magistrate, the sub-divisional officer or any officer authorised by the state government has been designed licensing authority and has to ensure that no person carries on business as a dealer in certain specified food grains, cement, iron, etc., except under the terms and conditions of a licence issued by such an authority. The district magistrate may cancel or suspend the licence of the holder.

Whenever any officer in charge of the police station receives the information that a person (a) has committed suicide or (b) has been killed by another, or by an animal, or by machinery, or by an accident, or (c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he gives the information and reports to the district magistrate or the sub-divisional magistrate who has been empowered to hold inquests<sup>103</sup>. To save the people from prolonged anxiety of undergoing trials for offences not brought home to them and also to save the time of the court of sessions from being wasted, over cases in which the charge is obviously not supported by such evidence as would justify a conviction, the district magistrate may commit any person for trial to the court of sessions or high court for any offence triable by such court.<sup>104</sup>

<sup>100</sup>The Cattle Trespass Act, 1871, Secs. 4 and 5.

<sup>101</sup>*Ibid.*, Sec. 14.

<sup>102</sup>The Code of Criminal Procedure, 1898, Sec. 249.

<sup>103</sup>*Ibid.*, Sec. 174.

<sup>104</sup>*Ibid.*, Sec. 206.

If any case is instituted against a person without any complaint, he may record the reasons and stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.<sup>105</sup>

### Assessment

The breakdown of law and order is one situation which brings the district administration into the spotlight. The administration so far has, more or less, managed to come up to expectation so an impression has been produced in some quarters that there is nothing wrong with it. One of the rewards of democracy has been that the people have more freedom to act and to ventilate their grievances. The Punjab has also advanced industrially. The dawn of political freedom, the establishment of a democratic state and spread of education has made the people conscious of their rights. Communal motivations and considerations, strikes, lock-outs and industrial disputes are common. There is frequent labour unrest and to gain support for their cause, the workers always seek mass support which in turn creates more problems for the police and magistracy. Due to the emergence of political parties, there is always some kind of political rivalry and tension, so much so that even students are dragged into the field by the political parties to gain their own ends.

The district magistrate, being the head of the criminal administration in the district, controls and directs the actions of the police. His powers can broadly be classified into two groups, namely, (1) control of the police force and (2) supervision over crime situation and law and order. Under the Criminal Procedure Code, the district magistrate combines in himself the functions of a judge with those of a policeman. In a recent conference of the Chief Ministers of States held at New Delhi, on May 19, the participants were of the opinion that the executive authority should be adequately empowered to take action, including preventive measures against the offenders. Officers at the district level should take initiative in dealing with a specific situation.<sup>106</sup>

The district magistrate exercises general functional control on

<sup>105</sup>The Code of Criminal Procedure, 1898, Sec. 249.

<sup>106</sup>*The Hindustan Times*, Monday, May 20, 1968, p. 1.

the superintendent of police, while the latter exercises organisational and professional control over the police force. The district magistrate derives his power to control the police at the district level under Section 4 of the Police Act, 1861, which reads as:

“Administration of police throughout the local jurisdiction of the magistrate of the district shall, under the general control and direction and sub-magistrate, be vested in the district superintendent of police.”<sup>107</sup>

This system of dual supervision has been a subject of long-drawn debate. The police is one unitary force for the whole state, which must function in a highly disciplined manner under the control of the Inspector General of Police. The Indian Police Act gives the powers of the appointment and disciplinary control over the police officers to the superintendent of police and not to district magistrate. It also authorises the Inspector-General of Police, subject to the approval of the state government, to exercise the power to frame such orders and rules as are considered expedient for the organisation, classification and distribution of the police force, the places at which the members of the police force shall rest and particulars of services to be performed by them, their inspection, the description of arms and other necessities, the collecting and communicating by them of intelligence and information and for preventing abuse or negligence of duty, etc. The relationship of the district magistrate and the superintendent of police has been well defined by the Indian Police Commission as:

“It is true that the absolute necessity for maintaining the responsibility of the district magistrate demands that he should receive the fullest assistance from the superintendent of police, and that latter should promptly carry out his orders. But the administration of the police is vested in the superintendent of police. He is the head of the police in the district. Though he must carry out all lawful orders of the district magistrate, he is not his assistant in the sense in which an assistant collector is, and it destroys police work to put him in that position. No unnecessary interference with the

<sup>107</sup>There are other Police Rules also which involve the district magistrate vis-a-vis the police, viz., 1.7, 1.15, 1.16, 1.17, 14.75, 21.9 and 21.16.

superintendent of police should be allowed. The police force, though bound to obey the magistrate's order in regard to criminal administration should be kept, as far as possible, departmentally distinct and subordinate to its own officers.

And the district magistrate should avoid acting so as to weaken the influence and authority of the superintendent of police, for discipline is one of the most essential features of police work".<sup>108</sup>

Some people feel that the control of the district magistrate over the police is unnecessary because of the following factors :

1. The separation of the police functions from the district magistrate should be a natural corollary to the separation of the judiciary from the executive.

2. The district magistrate is entrusted with heavy developmental and welfare work and cannot devote much time to police matters.

3. The police functions of the district magistrate are bound to prove detrimental to his effectiveness as a welfare officer.

4. The provision in the Police Act of 1861 regarding the control and direction of the district magistrate was a temporary expedient.<sup>109</sup>

5. He is a party to many land disputes, so he should not interfere in disputes which relate to land affairs.

6. The system of dual control leads to delay and inefficiency.

7. In Kerala, the workload of the collector and district magistrate was recently analysed and it was found that he spends 2 per cent of his time to law and order matters as against 7 per cent of his time to the issue of cement permits. In Andhra Pradesh the district magistrate's 50 per cent of the time is devoted to development, 30 per cent to revenue and only 10 per cent to

<sup>108</sup>Indian Police Commission, 1902-03.

<sup>109</sup>It was caution in excess because in the wake of 1857 movement, it was not possible to abolish the system then prevailing. Report of the Bihar Police Commission 1961 recommended the maintenance of the *status quo* and regarding the present controversy it said that it was due more to a conflict of personalities rather than a conflict of the system itself, p. 150.

While replying to a debate on the Police Bill in the Legislative Council on October 6, 1860, Sir H.B.E. Frere, the then Home Member said that it was only a temporary feature.



magisterial matters. Therefore, the control of district magistrate over police is redundant.

8. With the separation of judiciary from the executive, the rigidity of oppression by the police is curbed and checked by judges. Remands to police custody are granted by judicial magistrates, challans and final reports are also entertained by them. Many times strictures are passed against police officers. Every arrest made by the police is to be intimated to the trying judicial magistrate.

9. The district magistrate exercises general functional control over the superintendent of police and he in turn is not subject to any control of Inspector General of Police. This is a poor chain of command and breeds discontent, confusion and lowers efficiency.

10. It is argued that the police looks at the criminal side from the narrow police angle and there is the need for a broader vision which is possible by only a generalist. What is then the use of keeping highly paid police officers as Inspector-General, Additional Inspector-General, etc. These posts should also be manned by generalist administrators so that a wider and broader view of the police problem is taken.

11. The existing arrangements might have stood the stresses and strains of the time but the time itself has changed, therefore, the test of the time is not a sure test. Colonialism has vanished and the remnants of colonialism should not continue to plague our administrative structure.

12. It is also claimed that the maintenance of the position of the deputy commissioner is essential for the success of district administration. The district magistrate may have a strong sense of justice and fairplay but his judgment is bound to be influenced by other considerations of various policies and programmes. The functions of the police in India now are not to protect the interests of an autocratic government but to secure for the citizens justice, liberty and equality through administration of the laws. Matters involving dispensation of justice must be based on merits alone and no other considerations should weigh.

13. In an organisation like the police, much depends on two factors, i.e., leadership and loyalty. District magistrate belongs

neither to the force nor is even subordinate to the chief. Being a generalist he cannot give leadership and being outside the organisation cannot invoke loyalty.

14. It is pointed out that according to a recent survey, the average age of directly recruited I.A.S. collector in 1965 was 36 years and 5 months and the average length of his total services was 6 years and 4 months out of which a considerable part is initial training and on district postings. In the Punjab on April 1, 1968, direct recruit I.A.S. deputy commissioners were working in five districts out of eleven. The only claim of the incumbents is that they have done a little better than others at a competitive examination before entry into service.

15. District magistrate as a coordinator is no doubt useful and there is the need of the coordination at the district level but the critics point out that the power to command is neither a prerequisite, nor an essential quality to the ability to coordinate. They go to the extent of citing the case of central government departments who function at the district level without any coordinator. The controversy about the relationship between these two officers has been ranging for a long time and doubts were as to "how such a system will work in Indian hands is a matter of speculation, as up to the present it is virtually untried; and Indians with equal balance, moderation and judgment have a different philosophy, different reaction and different traditions from our own. When the majority of district magistrates and district superintendents are Indians they may find it necessary to evolve new standards of relationship."<sup>110</sup> Now all the district magistrates and district superintendents of police are Indians and India is a sovereign democratic republic avowed to protect individual liberty.

The Punjab Police Commission observed in this connection :

"We do not think that this will serve any useful purpose. If the district magistrate has to say anything against the superintendent of police there are a number of occasions for him to do so and he can write to the government about him through the commissioner when writing about the crime situations or law and order situation. It will not in any way

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<sup>110</sup>J. C. Curry: *The Indian Police* (London, 1932), pp. 90-91.

improve matters if he writes the confidential report of the superintendent of police. On the contrary, the commission feels that if the district magistrate is given the power to write the confidential report of the superintendent of police, the danger is that the superintendent of police in his anxiety to please the district magistrate may lose his individuality even in matters purely departmental and become a complete shadow of him."<sup>111</sup>

Those who justify the control of the district magistrate on police point out that :

1. The district magistrate brings coordination between the prosecution and the police.

2. In the day-to-day working, the authority of the district magistrate is instrumental in resolving conflicts of interests and brings coordination.

3. Due to a single organised force, giving more powers to the police would make it more rigid and oppressive.

4. The police officers looked at the law and order problems from the police angle whereas the district magistrate who comes into close contact with the people of all sections of the community looked at them from a much broad perspective.

5. The unique position of the district magistrate as the chief representative of the government in the district as *primus inter pares* and as the leader of the team demands that he should be given a full measure of control and the confidence, trust, loyalty and support of the superintendent of police.

6. The loosening of the control would create unwarranted separatist tendencies.

7. The arrangement is suited for and promotes integrated system of field administration.

8. District magistrate acts as a buffer between the people and the police.

9. In the separation of the judiciary from the executive, the control of the district magistrate over the executive magistracy

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<sup>111</sup>Report of the Punjab Police Commission, 1961-62, p. 430.

has been kept intact and only the power of trial of criminal cases has been separated. The criminal administration of the district broadly covers four groups of functions, namely, police, executive, magistracy, prosecution branch and jail administration. For the sake of successful functioning all the four component parts must act in concert and district magistrate can make them work as a cohesive whole.

In most of the states, the exact relationship between the district magistrate and superintendent of police has been kept vague. The provisions of Bombay Police Act, 1951, bring out clearly the sphere of action of both the functionaries which help a great deal in minimising cases of conflict. The control of district magistrate over the superintendent of police is more than a century old during which several commissions of inquiry have gone into this question and they have supported the continuance of the principle.

The mere fact that the I.P.S. and I.A.S. are recruited from the same strata of society or possess equal educational qualifications or pass similar tests is no argument that the I.P.S. officers should not be placed under any type of control of the I.A.S. officers. The powers exercised by the district magistrate must be determined in the public interest and not because of the origin or source or education of members of any services.

If the district magistrate is to continue to be responsible for law and order and criminal administration, he should have the authority to write annual confidential reports of the police officials because (1) when deputy commissioner writes annual confidential reports of the other officers of various departments in the district, why should there be exception in the case of superintendent of police.<sup>112</sup> (2) In other departments, the role of the deputy commissioner is only of coordination, timely assistance and supervision, maintenance of law and order and criminal administration is his direct responsibility. (3) Under the rules, he writes confidential reports of police officers upto the rank of an inspector with whom he seldom comes in contact. It

<sup>112</sup>The superintendent of police is in no way superior to other officers merely because he belongs to an All India Service. There are other important officers at the district like Executive Engineer, Chief Medical Officer, etc.

is not logical to exclude the deputy superintendent of police and superintendent of police who come in his much closer contacts.

(4) The fear that the superintendent or deputy superintendent of police may not become a mere shadow officer should not be entertained. If this argument holds good, would not all other officers at district level become mere shadows of their superiors.

(5) The superintendent of police regards himself very important and tries to run a parallel administration and this tendency can only be curbed by a definite sense of subordination to the district magistrate. (6) Such important matters should not be left to personal relationships. There must be clear-cut demarcation of functions, duties and responsibilities.

Recently the Study Team of the Administrative Reforms Commission on District Administration observed :

“To us, it appears that once it is conceded that the district magistrate has the ultimate responsibility for criminal administration in the district, it follows that he should be given the power to assess the work of its main agency, viz., the police, and to record his opinion in the confidential reports of its officers. Although this is a point of friction between the district magistrate and superintendent of police, we do not see how it can be avoided.”<sup>113</sup>

The Study Team of the Administrative Reforms Commission has commended the Maharashtra practice in which the Deputy Inspector General of Police initiates the confidential report of the Superintendent of Police and then forwards it to the district magistrate for his opinion. The district magistrate is expected to confine his remarks to a general assessment of the superintendent's work, with particular reference to law and order.<sup>114</sup>

The commission in the final report said that the collector should annually record his views on the performance of the District Superintendent of Police after receipt, from the officer concerned, of a note written by him on his performance during the period under review.<sup>115</sup>

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<sup>113</sup>*Report of the Study Team on District Administration, Administrative Reforms Commission* (New Delhi, 1967), para 258.

<sup>114</sup>*Ibid.*, para 259.

<sup>115</sup>*Report of Administrative Reforms Commission on State Administration* (New Delhi, 1969), p. 85.

## CHAPTER VII

### ROLE IN DEVELOPMENT ADMINISTRATION

The phrase 'development' according to Webster's New Collegiate Dictionary means a process of natural evolution and growth. It connotes, in brief, some kind of a movement in a positive direction, from the one state of being to another. In Indian context, it would mean to provide the teeming millions—an opportunity to lead a better life, devoid of poverty, and other ills that it carries with it. The concern of welfare state has gained wide acceptance. The socialist policies of society is the goal as envisioned by the government. Thus in the widest sense, the term development includes :

1. Economic development including agriculture and other activities adopted to building up of beneficial assets.
2. Socio-economic programmes including measures of social security.
3. Social development programmes like health, education, housing, etc.
4. Provision of civic amenities like street lighting, recreation centres.
5. Provision of cultural activities like sports and other entertainments.
6. Uplift of backward classes and sections, etc.<sup>1</sup>

Thus, the development administration is oriented to bring the full potential of the country into being and is always concerned with the full exploitation of all the components of administration for public service and the welfare of the people. It refers to the structure, organisation and organisational behaviour necessary for the implementation of the schemes.<sup>2</sup> The word

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<sup>1</sup>K. Santhanam, Background paper on Development Administration and Panchayati Raj for the Orientation Course in Development Administration, Indian Institute of Public Administration, New Delhi, 1965.

<sup>2</sup>V. A. Pai Panandikar: "Development Administration : An Approach," *Indian Journal of Public Administration*, New Delhi, January-March, 1964, pp. 35-36.

developmental generally indicated those bodies of thought that centre around growth and directional change. In this study developmental is intended to connote precisely the kind of planned change that is intended at the district level and below.

During the British period, district work was nearly autocratic involving very little consultation among equal and equally little complex staff work. It was designed to effect three purposes—land revenue, law and order and general administration which can now be termed as 'traditional district administration' as primarily it was regulatory in character. A premium was placed on quick decision, independent and firm action, not unlike the attributes of field military administration. For long and especially after mutiny, the day-to-day administration in India went on when most of the British officers came to feel that they are caretakers rather than owners, "concerned only with keeping the structure in repair and unwilling to make improvements or alterations."<sup>3</sup> One of the tasks that our country faced after Independence was to transform the colonial atmosphere of administration into one which supports administration for development. As in other developing societies there was in India a conflict between the traditional administrative practices and the need for a dynamic and modern system of administration. There was the expansion in the duties and responsibilities of the deputy commissioner and the change in emphasis and quality from the regulatory to the developmental in an altogether different context of work was brought about "to make him one of the most harassed and hard pressed of all government employees".<sup>4</sup> It necessitated a change in the attitude of public servants and in the methods of their working and "in the basic equipment they need which has to be given through education and training".<sup>5</sup>

India, the seventh largest and the second most populous country in the world, covers an area of 1.25 million sq. miles and a population of about 50 millions. Eighty two per cent of the population lives in 5,67,000 villages. India is on a way to

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<sup>3</sup>Michael Edwards: *The Last Years of British in India* (Bombay, 1963) p. 16.

<sup>4</sup>E. N. Mangat Rai: *Civil Administration in Punjab* (Cambridge, 1963), Occasional Papers No. 7, October 1963, pp. 46-47.

<sup>5</sup>B. Mukherji: *Community Development in India* (New Delhi, 1961), iii.

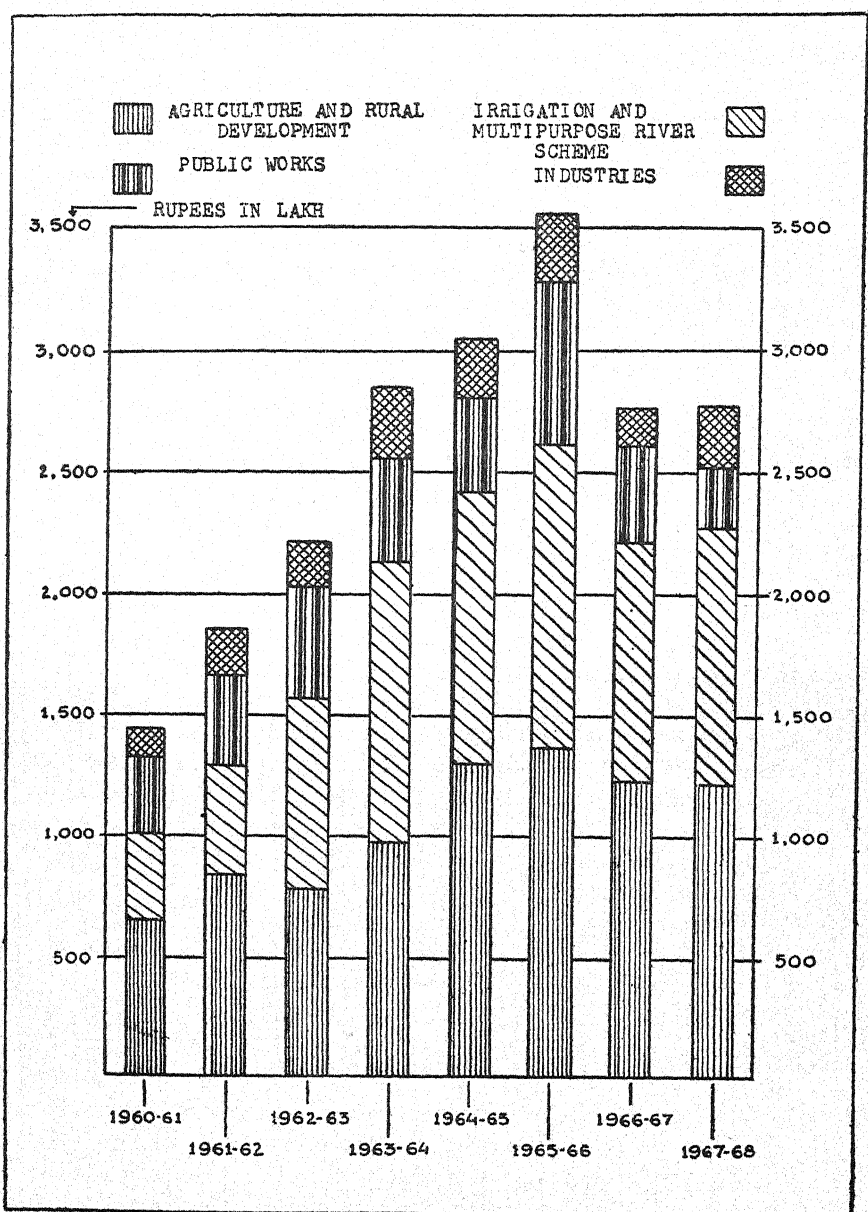
give opportunity to all the people to govern themselves. Through democracy she wants to achieve development and modernise its economy. For the purpose of our study we shall deal with three types of democracy—Economic Democracy, Political Democracy and Social Democracy. The economic democracy aims at building up of a socialist pattern of society in which every individual has the right to progress according to his genius. Cooperation has been recognised as one of the methods for economic development. It brings about dispersal and decentralisation of economic power by creating small self-governing business units. The Preamble of the Constitution and the Directive Principles of State Policy lay down the broad directions for state action.

The district administration has in recent years been called to face several new challenges and demands. An important problem has been how to activate the people and harness their enthusiasm and co-operation for developmental purposes. Unless people's participation is readily coming forth, the plans cannot be implemented successfully. Aristotle said, "the relationship between the people and the administration is one between the diners and the cook". The adoption of a democratic constitution and the acceptance of the welfare state as the goal have given a new meaning to the traditional concept of administration and what the administrator stands for. This is true of the officers at all levels but particularly so at the point of execution, *viz.*, the district where we find the collector's role undergoing a gradual change from "Bureaucratic Rule" to "Public Service".

The expansion of the governmental responsibilities in the sphere of development and welfare has brought in its wake a re-definition of the collector's role and responsibilities.

The district officer's control over development and welfare activities in the district generally conforming to the pattern of district magistrate's control over the police has been widely recognised. The organisational and professional control of the police, up to the district level, is exercised by the superintendent of police, and above the district level by the deputy inspector general of police. But, subject to certain restrictions, the general functional control over the superintendence of police is that





Expenditure on development services in the Punjab

of the district magistrate and in the exercise of this control, the district magistrate is guided by the divisional commissioner and by government and not by the police hierarchy. Similarly, while the organisational and professional or technical control over development officers of district rank will be that of the departmental superiors and the functional control in non-technical matters will be exercised, within certain limits, by the district officer. The district officer will not be burdened with routine matters of establishment duties and technical matters of which he might have little knowledge. He will only be responsible for ensuring : (a) that the development and welfare schemes are such as would meet the needs of the people; (b) that the time tables for various schemes are adhered to, and targets reached in time; (c) that there is no corruption; (d) that there is proper coordination, and difficulties in the execution of schemes are removed; and (e) that wherever necessary people's cooperation is secured.

There have also been certain developments which lead towards taking the deputy commissioner out of the main stream of the developmental efforts at the district level and confining his developmental functions to broad and general supervision. But this pattern is at present confined to the states of Maharashtra and Gujarat. Leaving them out we find that a significantly new role has emerged for the collector. Previously life was simple and governmental activity limited but now both have become complex. The deputy commissioner is expected to keep in touch with all aspects of the district work and every aspect of the work at district level should carry the imprint of his leadership. He is the captain of the team of district officers who are all playing a national game. The team cannot win the goal unless every member of the team puts in a coordinated and disciplined effort and it is left to the deputy commissioner to infuse a sense of oneness, a sense of team spirit, and a burning enthusiasm to fight to the end and win. As government's 'maid of all work', he is a man with many masters, trying to serve every body with impartiality and courtesy. The community development programme spearheaded the government's policy to involve the local people in the developmental effort and to generate a self-perpetuating process of community effort for

social and economic change. We shall, therefore, first consider the role of the deputy commissioner in the community development programme and then proceed to examine his position and functions in relation to Panchayati Raj institutions and the coordination of developmental programme in the district.

#### A. COMMUNITY DEVELOPMENT

Community development has been defined "as a process of social action in which the people of a community organise themselves for planning and action, define their common and individual needs and problems, make groups and individual plans to meet their needs and solve their problems, execute these plans with the maximum reliance upon community resources and supplement these resources when necessary, with services and material from governmental and non-governmental agencies outside the community."<sup>6</sup> In the wider context, it is a type of orchard not merely of men, women and children but also of inanimate things. It is to be a part of the larger whole—a section of the world orchard.<sup>7</sup>

The Grow More Food Enquiry Committee Report, 1952, and the First Five Year Plan suggested a common extension machinery on behalf of the principal development departments of the government. Thus in 1952, the community development programme was experimented in developmental administration in which "the emphasis was on popular effort organised under the leadership of a specially selected hand of officers receiving cooperation from normal official agencies".<sup>8</sup>

In the Punjab, in order to assist the rural society to transform its backward, social and economic conditions by dint of hard work and spirit of cooperation, community development programme was started in 1952. It aimed at banishing poverty, ignorance, disease and dirt and to raise the standard of living of the rural people. After two years of its working in the Punjab,

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<sup>6</sup>Definition adopted by International Cooperation Administration.

<sup>7</sup>Philips Ruopp (Ed.): *Approaches to Community Development* (Bandung, 1953) p. 299.

<sup>8</sup>U. L. Goswami: "The Structure of the Development Administration", *Indian Journal of Public Administration*, Vol. I., No. 2, April-June 1955, p. 110.

the movement could not show satisfactory progress and certain organisational imperfections and lacunae were discernible. It was felt that some of the commissioners and the deputy commissioners had not played an effective role in guiding, supervising and controlling the personnel of the programme and furthermore, the regular and systematic inspections in most of the cases were not undertaken.

The government laid down that the development secretary should coordinate the activities of the various development departments,<sup>9</sup> and at the divisional level such coordination would be effected by the divisional commissioner. The deputy commissioner was made competent to coordinate the activities of the district heads of all the development departments in the district and could call for advice and assistance from them. He was to write their annual confidential reports but his remarks were confined only to their reputation for honesty and their relationship with the public.<sup>10</sup>

The deputy commissioner was assigned the following specific functions in the implementation of the community development/national extension service programme.

- (i) Inspections to see the implementation of the various schemes;
- (ii) Supervision of the development work in projects areas;
- (iii) A six monthly review of the progress of schemes at the headquarters of the community projects in collaboration with the project advisory committee; and
- (iv) An annual review of the progress of national extension service block.<sup>11</sup>

Taking into consideration the official position of the deputy commissioner in the hierarchy, he was made the leader of the

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<sup>9</sup>Development departments include agriculture, animal husbandry, cooperatives, industries, panchayats, publicity, education, Medicine and Public Health, forests, public works departments, electricity, etc.

<sup>10</sup>Punjab Government letter No. 8781-G-59/2563 dated September 9, 1954,

<sup>11</sup>Proceedings of the Conference of Commissioners and Deputy Commissioners at Simla in 1959, p. 78 (Annually arranged by the Government of Punjab.)

official team at the district level. He was made a special functionary because of his supposed superior intellectual background. "Though he is no specialist himself", wrote Sir E. Blunt, "yet he must have some knowledge of the work of all specialist departments, for he serves as liaison officer between them, interprets their advice to the people and the people's wishes to them."<sup>12</sup>

The duty of developing the district is and will always remain with him. Therefore, it was but natural and proper to assign him this role.<sup>13</sup> As development activities go on increasing and becoming complex and complex, the deputy commissioners will remain key leadership figures.<sup>14</sup> The organisational and professional control of the departments at the local level is with the heads of their respective departments but in non-technical matters, deputy commissioner has been authorised to interfere. The district heads of all development and welfare departments have to remain in close touch with him and seek his guidance and assistance. Because of this dual control, it is the duty of other officers at the district level also to respect each other's point of view. The control of deputy commissioner over other district officers mainly can be discussed under the following heads :

### 1. *Control—administrative and disciplinary*

A development officer, when he sends his tour programme to his head of the department, is required to send one copy in advance to deputy commissioner when the latter can change or suggest changes in the dates, etc. When the development officer has to go on long leave, or when he wants to leave the district he must inform the deputy commissioner. The deputy commissioner can also move to the head of the particular department to transfer the particular officer within the district

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<sup>12</sup>Sir E. Blunt (Ed.): *Social Services in India* (London, 1938) Chapter on role of collector.

<sup>13</sup>Richard L. Park: "District Administration and Local Self-Government", Richard L. Park and Irene Tinker (Ed.); *Leadership and Political Institutions in India* (Oxford, 1960) p. 342.

<sup>14</sup>M. Venkatarangaiya: "The Pattern of Public Administration in the Five Year Plan", *Indian Journal of Political Science*, Vol. XIV, No. 3, pp. 210-29.



or outside it. He also can call for the periodical reports from the officer and can issue instructions if he considers it necessary. The deputy commissioner records his remarks on the work of each development officer.

## 2. *The Dual Control*

The general supervision aims at responsibility for a total composite result through the combination of special programmes whereas the technical control of the head of the department stimulates and guides the particular activities. The method fits well into "the Indian method of public administration and co-ordination of governmental authority and from that point of view it is both natural and necessary".<sup>15</sup>

## 3. *Coordination*

Coordination is the basic necessity in any community development programme. There is a common goal to be achieved and the emphasis should be on mutual appreciation of each other's roles and the maximum exchange of views freely and fearlessly amongst the people engaged in development work. In 1958, the Government of Punjab, issued a policy note that "The deputy commissioners will, at the district level, be responsible for coordinating the activity of the various departments in order to ensure that implementation of the projects proceeds effectively and expeditiously. The project executive officer and the block development officer will be responsible for similar coordination at the project/block level. They will be directly subordinate to the deputy commissioner and act as his lieutenants for this work similar set-up will also exist in sub-divisions."<sup>16</sup>

## 4. *Power to Assess, Write Reports*

He sends reports of blocks to the divisional commissioner and the development commissioner for each block separately, in a consolidated form for the district as a whole and this report contains :

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<sup>15</sup>M.<sup>c</sup>C. Wilson: *Community Development Programme in India, Report of a Survey*, Government of India (New Delhi, 1956) p. 9.

<sup>16</sup>*Manual on Community Development*, Government of Punjab, 1958, Annexure 1-A, p. 208.

(i) General assessment of work in the blocks with particular reference to targets, etc.

(ii) Extent of interest and coordination taken by various departments.

(iii) Review of inspections carried out by all levels of officers.

(iv) Review of the difficulties encountered in the programme and how they are prepared to be solved.

(v) Review of working of all institutions working within the district, e.g., cooperative societies, etc.

All the above points were emphasised in a recent Administrative Reorganisation Report which defined the responsibility of the deputy commissioners in the field of development as :

“(a) A development officer should forward his tour programme to the collector, the collector will be competent to entrust the development officer to perform a particular tour for a particular purpose, not covered by the tour programme.

(b) The collector will have the power to call for periodical progress reports from the development officers in his district, to make observations on them and to issue such instructions as he may consider necessary. He will, however, confine his observations to administrative matters and will send copies of his instructions to the regional officer or the head of the department concerned.

(c) The collector will be competent to call for a report in the nature of an explanation from the development officer in respect of any further action to be taken, he will report the matter to the head of the department concerned.

(d) The collector will write annual confidential reports on the work and conduct of development officers in his district and forward the reports to the heads of departments concerned.<sup>17</sup>

The community development programme brought new responsibilities. Previously, it was solely concerned with the

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<sup>17</sup>Report of the Administrative Reorganisation and Economy Committee, 1965-67, Government of Kerala, Summary of recommendations.



familiar territorial units of tehsils, but now it has been placed in charge of a new set of smaller units. Not only that, other developmental programmes of other departments also come into existence and the burden of coordinating all the activities fell on him. What the Indian parliament and the state legislatures provide for higher levels of government was to be provided for by the local system of truly democratic government. There was no reason why the deputy commissioners could not function in the new administrative set-up.<sup>18</sup> To assist the collector, a broad based Advisory Committee with the deputy commissioner as the chairman was constituted, with the function of advising on problems of purely local character of general public interest. Such committees worked till 1962 providing a forum for democratic consultation with the local representatives of the people, and now Zila Parishads play the role of rendering their advice to the collector. The committee was also consulted about the annual district development plans and the progress achieved in each sector.

The community development programme had its moments of elation and depression. After some years it was felt that the experiment for popular participation had declined. The intention for spending money was primarily designed to stimulate popular initiative so that ultimately the external aid was dispensed with and people managed their own affairs. It was to elicit the goodwill and cooperation of the people and to evoke popular enthusiasm for the programme that the Committee on Plan Projects, under the chairmanship of Balwantray Mehta Study Team, was organised. As clarified by the chairman subsequently, the Team was also required to review the organisational working of the district administration.

Review of the working of the community development blocks and the assessment and awareness of the emerging trends and problems of the programme is a continuous process. In 1966, the Government of India made a close examination of the system

<sup>18</sup>Richard, L. Park: "Administrative Coordination and Economic Development in the Districts of India", Ralph Braibanti and Joseph J. Spengler (Ed.): *Administration and Economic Development in India* (London, 1963), p. 149. Community Development has also been called as "Democracy's most positive alternative to communism"; R.W. Poston: *Democracy Speaks Many Tongues* (New York, 1962), p. 176.

with a view to consider measures for improvements. The tentative formulations of the future lines of policy on community development were discussed with experts and other groups and the problems were considered by the Annual Conference of State Development Commissioners and were subsequently placed before the Conference of State Ministers for Community Development and Panchayati Raj held in October, 1966. The policy statement is still under the consideration of the Chief Ministers but the main elements in the suggested policy approaches are, "continued maintenance of an integrated approach to rural development, combined with flexibility at the operational level; emphasis on nationwide priority programme like agriculture and family planning".<sup>19</sup>

The general reaction of the change in the role of the deputy commissioner was somewhat mixed; while some welcomed the transition from "a symbol of authority" to the position of "the servant of the people", some deplored the change and attributed the new 'humble welfare activities' to a sign of the general weakening of administration. Individually, deputy commissioners also reacted differently to the change; "depending on their personal equations, some of them cast aside their traditional aloofness and threw themselves vigorously into developmental work; others continued to concentrate on their normal administrative responsibilities, underlying only the bare formalities of the new duties assigned to them, in the sphere of planning and development".<sup>20</sup>

## B. PANCHAYATI RAJ

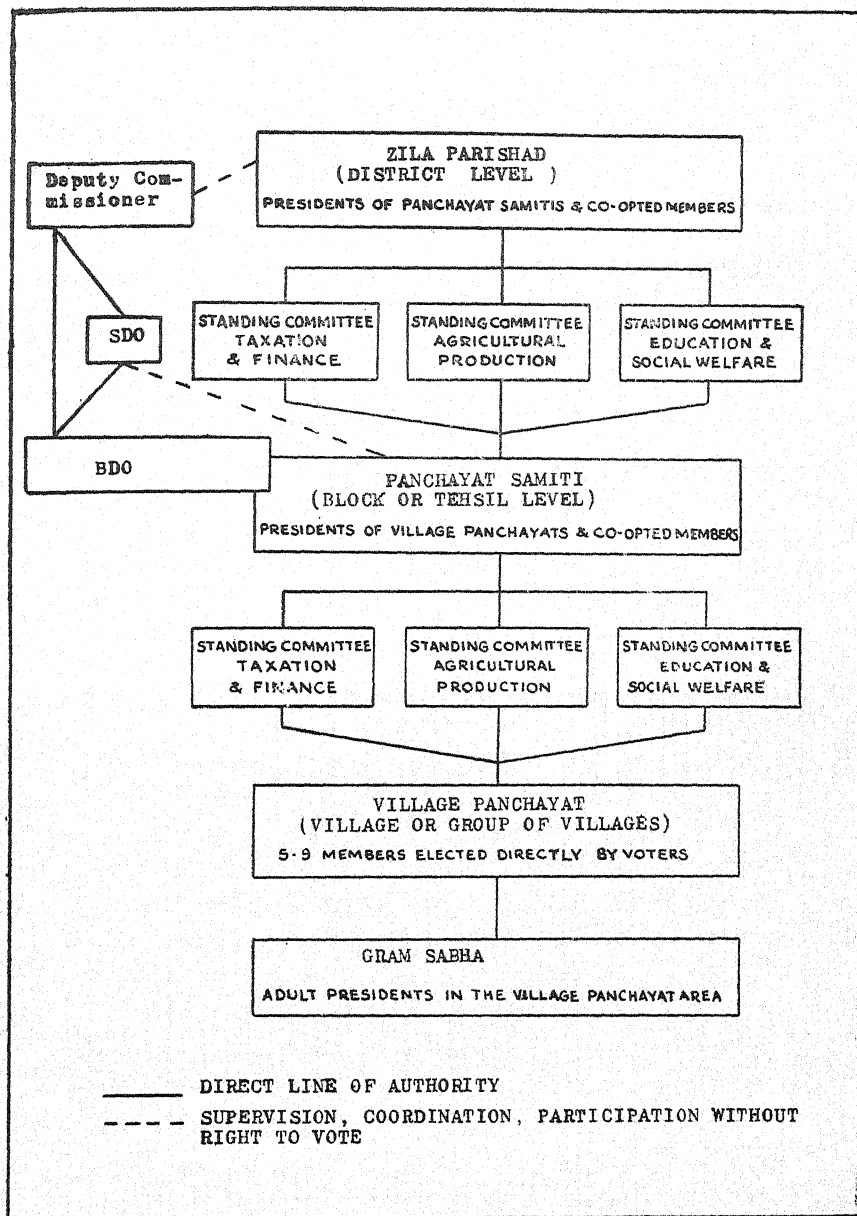
In the Punjab, the panchayati raj was introduced with effect from October 2, 1961. It was to consist of three levels, Panchayats, Panchayat Samitis and Zila Parishads.<sup>21</sup>

To begin with it was introduced in 18 out of then 19 districts

<sup>19</sup>*Annual Report of the Department of Community Development 1967-68*, Ministry of Food, Agriculture, Community Development and Cooperation, p. 2.

<sup>20</sup>S. C. Dube: *India's Changing Village, Human Factors in Community Development* (London, 1958), Chapter on State Officials as Agents of Change.

<sup>21</sup>The Panchayats were set up under the Punjab Gram Panchayats Act, 1952, and the Samitis and Zila Parishads were set up under the Punjab Panchayati Samitis and Zila Parishads Act, 1961.



and before reorganisation in 1966, it existed in 19 out of 20 districts (except in Lahaul and Spiti where it was not introduced because of its peculiar location and other reasons). At present, in the reorganised Punjab it is in every district, spreading out in 11,948 villages, 7,827 panchayats and 116 blocks.<sup>22</sup> There are 116 panchayat Samitis, one for each block and 10 Zila Parishads, one for each district (except Rupar). The total rural population is 85,67,763.<sup>23</sup> The role of the deputy commissioner in the Panchayati Raj system is very crucial and calls for radical changes. An attempt has been made in this part to go into various questions relating to the role of the deputy commissioner in the Panchayati Raj system in Punjab and to critically examine the possibilities of associating him with it in various capacities.

The commissioner has general power of superintendence over the three-tier structure.<sup>24</sup> He can exercise his influence in seeing that harmonious relations exist between the deputy commissioner and the chairman and vice-chairman, members of the Zila Parishads and can remove the difficulties of the Zila Parishad. In the proceedings of the Conference of Commissioners and Deputy Commissioners held in Simla in 1960, the commissioner was expected to play a positive role and take interest in the following matters:

1. The preparation of district development plans by Zila Parishads.
2. Harmonious relations between the deputy commissioner and other members of Panchayati Raj institutions.
3. Solving the problems between neighbouring Zila Parishads or between Zila Parishads and other authorities.
4. General supervision over the working of Zila Parishads and giving them guidance and encouragement.

An Enquiry Committee observed, "just as the collector is to be ultimately responsible for the coordination and execution of developmental plans in every sector in his district, so also

<sup>22</sup>*Statistical Handbook of Punjab*, 1968, issued by economic and statistical adviser to Government, Punjab, Chandigarh.

<sup>23</sup>Census Reports, 1961.

<sup>24</sup>*Ibid.*, sec. 114.

we would like the commissioner to remain in touch with all development programmes in the division. The commissioner is expected to exercise full supervision over all development activities in his division.”<sup>25</sup>

The Balwantray Mehta Report recommended the deputy commissioner to be the chairman of the Zila Parishad and one of his officers to be the secretary.<sup>26</sup> At the outset it appeared as if the history of the ‘Eighties’ of the nineteenth century was going to be repeated though the circumstances had changed beyond recognition. At the Hyderabad Conference the following four alternatives were posed for the role of the collector.<sup>27</sup>

1. He should be fully associated with the panchayati raj institutions and should be the member and chairman of Zila Parishad.
2. He should be a member of the Zila Parishad and chairman of all its Standing Committees.
3. He should be just a member of the Zila Parishad with/without any right to vote.
4. He should be completely outside the Zila Parishad but with a right to take part in the deliberations whenever necessary. After going through the merits and demerits of each case, the Hyderabad Conference on Community Development suggested that the district officer must discharge the following broad responsibilities as regards the panchayati raj institutions :

“(a) To function as a representative of the state government at the district level and to work as an effective liaison between the state government and the Zila Parishad.

(b) To help in the proper and healthy growth of the new institutions and in particular assist the Zila

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<sup>25</sup> *Administration Enquiry Committee Report, Government of Rajasthan, 1956, Ch. III, p. 5.*

<sup>26</sup> *Report of the Team for the Study of Community Projects and National Extension Service* (New Delhi, 1967), Vol. I, p. 19.

<sup>27</sup> Annual Conference on Community Development and Conference of State Ministers of Community Development and Panchayati Raj at Hyderabad, Ministry of Community Development and Cooperation (New Delhi, 1961), p. 176.

Parishad to grow into an effective organisation for purposes of development.

- (c) To ensure optimum utilisation of resources available to panchayati raj institutions, such as money, staff, technical assistance and other facilities from higher levels.
- (d) To ensure that district level officers discharge their central responsibility for planning and supervision so as to provide adequate technical support to the programme.
- (e) To ensure that planning by the Zila Parishad and lower bodies is realistic and is in conformity with national priorities or policies.
- (f) To ensure that the panchayati raj institutions give due attention to the economically weaker sections of the community.
- (g) To exercise emergency powers in case of abuse of authority by the local bodies or their office bearers as also in other cases in accordance with the provisions of law".<sup>28</sup>

The position of the deputy commissioner in different states *vis-a-vis* Panchayati Raj gives the following four kinds of varieties of roles :

1. Where he is the chairman of the Zila Parishad (as in Madras and Mysore);<sup>29</sup>
2. Where he is the chairman of the Standing Committee only (as in Andhra Pradesh);<sup>30</sup>
3. Where he is full or associate member of the Zila Parishad (for example Rajasthan and Gujarat); and
4. Where he is completely outside the three-tier system (as in Maharashtra and Uttar Pradesh). But in U.P.,

<sup>28</sup>Annual Conference on Community Development and Conference of State Ministers of Community Development and Panchayati Raj at Hyderabad, Ministry of Community Development and Cooperation (New Delhi, 1961), p. 177.

<sup>29</sup>In Madras, Zila Parishad is called the District Development Council and is purely an advisory body presided over by the collector.

<sup>30</sup>In Andhra Pradesh, the collector is a member of the Zila Parishad and also the Chairman of all the Standing Committees.

even though he has nothing to do with the legislative wing of the Zila Parishad he is responsible for execution of the district plans through the A.D.M. (Planning) or Planning officer who is the Chief Executive Officer of the Zila Parishad.

The opinion about the precise role of the deputy commissioner also differs from one individual to another. Some regard the presence of the deputy commissioner in these bodies as contrary to democratic practice since it is only the purely elected representatives that fill these bodies. Another school is led by persons like Shri Jayaprakash Narayan who fear that the deputy commissioner might convert these bodies to mere advisory councils. The third category of people only want to have the deputy commissioner associated with these institutions purely in the role of 'a friend and guide' to advise or rather want to make him as a 'watch-dog', on behalf of the government over these panchayati raj institutions to see that no grave errors are committed.

From the official side, some fear that the deep involvement of the collector with the panchayati raj institutions would draw him into local political feuds and in course of time he might become ineffective and be overruled by a strong political group. It would cut at the traditional prestige of the deputy commissioner and they are in favour of confining his role purely on official side of land revenue, with responsibility for maintaining law and order. The presence of the deputy commissioner ensures that the various district level officers give to the Zila Parishad their complete cooperation. His association with panchayati raj, apart from giving him a share in the existing process of nation building, provides him with an insight into the cross currents of public opinion which is very useful especially in emergencies when relief operations require full public support for successful execution.

#### ROLE OF DEPUTY COMMISSIONER

##### 1. *Supervision*

In the Punjab, deputy commissioner is the non-voting

member of the Zila Parishad but under the Act he has the power to :

- (1) Enter on and inspect any immovable property vested in Panchayat Samiti or Zila Parishad or any work in progress under their direction.
- (2) Call and inspect any document in the possession or under the control of any Panchayat Samitis or Zila Parishads.
- (3) Order in writing to direct any Panchayat Samiti or Zila Parishad to furnish statements of accounts, reports, etc.
- (4) Make any observation as to their working.<sup>31</sup>
- (5) The proceedings of the meetings of every Panchayat Samiti and Zila Parishad, their budgets and annual reports are forwarded to the deputy commissioner regularly.<sup>32</sup>

## 2. *Power to Cancel or Suspend Regulations of Panchayat Samitis and Zila Parishads*

If in the opinion of the deputy commissioner, the Panchayat Samiti or Zila Parishad within his jurisdiction has passed any resolution which in his opinion, if executed is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray, he is empowered to take immediate action. He can suspend a resolution by making a report in writing and he sends a report to the government.<sup>33</sup> He can also bring to the notice of the government the persistent default or abuse of power and the government may supersede such Samiti or Zila Parishad and during the period it remains suspended its functions are performed by the deputy commissioner or any other officer on his behalf.<sup>34</sup> Because of the supervisory powers and prestige of the deputy commissioner in the district he can guide the deliberations and decisions of the Zila Parishads along the right lines.

## 3. *Conduct of Elections, Notification of Elections*

Every election and co-option of a member and the election

<sup>31</sup>The Punjab Panchayat Samiti and Zila Parishads Act, 1961, Sec. 101(1).

<sup>32</sup>*Ibid.*, Sec. 101(2).

<sup>33</sup>*Ibid.*, Sec. 102(3).

<sup>34</sup>*Ibid.*, Sec. 104.



of a chairman or vice-chairman of a Zila Parishad is notified by the deputy commissioner in the Official Gazette, and no member can resume his duties until his election or co-option has been so notified.<sup>35</sup> A member of the Zila Parishad may resign his office by notifying in writing to the chairman or the deputy commissioner.<sup>36</sup>

#### 4. *As an Agent of the Government*

He is the administrative head of all the staff placed at the disposal of the Zila Parishad by the Government. He is also the member of the Tribunal along with the chairman of the Zila Parishad and other members of the Tribunal to deal expeditiously with the misconduct of the employees of the Panchayat Samiti and the Zila Parishad other than government servants placed at their disposal. He has the power to transfer block development and panchayat officer within the district. He is required to consult the chairman of the Panchayat Samiti or Zila Parishad before ordering the transfer of officials working in the Panchayat Samitis or Zila Parishad offices. The complaints and enquiries against the chairman of Panchayat Samiti are conducted by the deputy commissioner or the district development and panchayat officer and not by the sub-divisional officer (civil) as he is the *ex-officio* member of the Panchayat Samiti.

#### 5. *As Coordinator*

The most important challenge which has been thrown on deputy commissioner is the challenge to bring about administrative coordination which he has to effect at the district level between the varied activities of several government agencies. According to Terry, "Coordination is the adjustment of the parts to each other and of the movement and operation of parts in time so that each can make its maximum contribution to the product of the whole".<sup>37</sup> The need for coordination arises when we want to :

- (a) avoid or resolve conflicts between organizations;

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<sup>35</sup>The Punjab Panchayat Samiti and Zila Parishads Act, 1961, Sec. 9(1).

<sup>36</sup>*Ibid.*, Sec. 94(1).

<sup>37</sup>G.R. Terry: *Principles of Management* (Illinois, 1956) p. 33.

- (b) prevent or *disuage* too much concentration on one aspect of work to the exclusion of the other aspects; and
- (c) curb the greed for power.

The deputy commissioner in the Punjab scheme has been made responsible to secure the efficient and coordinated working of the development departments at the district level.

The following reasons are advanced for keeping the deputy commissioner as coordinator of all the activities in the district under panchayati raj legislation.

1. He, being the agent of the government for the last many years, *historically* general masses would make him the ultimate point of reference and redress.

2. His association with the Zila Parishads could help to ensure coordination of different agencies in the district.

3. The panchayati raj institutions provide to him greater participation in the formulation and implementation of development programmes. Supervision and guidance of the deputy commissioner will be very useful.

4. Coming into contact with the local element gives him insight into the cross currents of public opinion in the district.

6. *Finance, Appeals, etc.*

In any matter connected with the assessment and collection of any rate, cess or tax, if any person is aggrieved, he can within 60 days' appeal to the deputy commissioner against the officer who has been authorised to make assessment or collection and his decision on such appeals is final.<sup>38</sup> Panchayat Samiti, subject to the confirmation by the deputy commissioner can abolish reduce or remit any rate, tax, cess or fee imposed.<sup>39</sup> Whenever Panchayat Samiti wants to lease the collection of fees or tolls and management of fairs, etc., it has to take the prior sanction of the deputy commissioner.<sup>40</sup>

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<sup>38</sup>The Punjab Panchayat Samitis and Zila Parishad Act, 1961, Sec. 73.

<sup>39</sup>*Ibid.*, Sec. 74.

<sup>40</sup>*Ibid.*, Sec. 75.

In the general climate of inadequate consciousness of civil responsibilities, a certain amount of supervision and guidance is essential for the healthy growth of panchayati raj institutions themselves and cannot be regarded as a violation of the canons of democracy. At the district level, there appears to be no more suitable instrument through which such guidance can be provided except by the deputy commissioner who has the ability and vision to do so. He belongs to the cadre of administration with a rich tradition of service and an aura of prestige is associated with him. Others do recognise his competence, intelligence and integrity and in most of the cases because he does not belong to the area which he administers, he is<sup>7</sup> above the local prejudices which tend to dim the vision of many.

In the Punjab, we have an average of twelve Panchayat Samitis per district and the deputy commissioner cannot have physical control of all the bodies and cannot assist all of them in drawing up plans and programmes. The role of interdepartmental cooperation is so effective that the plan of action has to be drawn up in consultation with half a dozen or more officers or other departments. The role assigned to him is primarily that of a guide, a coordinator of the development activities and a catalytic agent for raising agricultural production.

The powers and functions of the deputy commissioner/collector vary from state to state but there is unanimity in granting to him certain powers under special circumstances. On the negative side, he has been given vast powers in Andhra Pradesh, Assam, Bihar, Gujarat, Tamil Nadu, Mysore and Rajasthan of suspending the resolutions of the Zila Parishad or Panchayat Samitis if there is threat to human life and suffering to people. On the positive side, he is empowered to direct execution of any work immediately required for the safety of the general public or in the public interest or for implementation of development programmes.

The deputy commissioners and district development and panchayat officers have not been able to take, it is believed, any appreciable interest in the functioning of this system in the districts. This may be due to the fact that both these officers have no statutory responsibility under the Samitis and Zila Parishad Act and their casual interest has been because of the government

pressure. They do not have any direct contact of block development and panchayat officer but the deputy commissioner has some powers of control over the functioning of the Zila Parishads. He has neither the time nor any compulsion to take any continued interest in the growth and functioning of these institutions. The social education and panchayat officers posted in the blocks do not directly or indirectly owe any allegiance to the district development and panchayat officer and the latter also does not have any field functionary to assist him in inspecting the work of panchayats.

There is also some resentment against the powers of the deputy commissioner that he suspends the resolutions of the panchayat, which gives an impression that government is not serious in implementing the system of panchayati raj. There will be no harm if the chairman of Panchayat Samiti is vested with the powers to suspend the resolution of Gram Panchayats in its jurisdiction. He should get this action confirmed by the Samiti and similarly higher power should be with the Zila Parishad and in the case of Zila Parishad, it should be with the state government.

The panchayati raj in the state is not working that effectively as it should, because of its poor financial condition. The government grants to the panchayati raj bodies range from 1 to 2 per cent of the total revenue of the state while in Maharashtra and Tamil Nadu it works out to 22 per cent, in Andhra Pradesh to 19 per cent and in Rajasthan and Orissa to 12 per cent.

Is the deputy commissioner overworked? Is he trained for the new developmental work? It is a general feeling that the deputy commissioner's workload is always heavy and he is working to a breaking point. For him to attend to all types of work and to do justice to his work of planning and development is impossible.<sup>41</sup> The delicate relationship with the elected elements in panchayati raj is nothing less difficult than a tight rope walking.

The deputy commissioners in India have always taken keen interest in the welfare of the masses and the paternalist

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<sup>41</sup>B. Mukerji: *Community Development in India* (London, 1961), p. 138.

tradition of the Indian administration is well known. The association of deputy commissioner with the panchayati raj institution has justified itself by the results achieved so far. Under his leadership, the local enthusiasm and local resources were mobilised on a large scale in executing programmes of public utility. He is an instrument which has been found suitable for administration whether the instrument is wielded by an Empire or a Republic. He is something more than that. He is no more an individual but an institution. Some people believe in the ideals of Sarvodaya which has a separate theory of local government based on the concept of 'communitarian polity' in which the "higher" bodies derive their powers from the lower bodies so that the former might be able to do what the lower bodies themselves find to be beyond competence.<sup>42</sup> They advocate that the district officer should be under the control of the chairman of Zila Parishad, "if district officers were to function in relation to the Pramukh (i.e., Chairman), as the Vikas Adhikari (block development officer), is expected to function in relation to the Pradhan (Chairman, Panchayat Samiti), the Pramukh would have all the scope for work that he needs and would be able to play an important part in moulding the development programme in the district."<sup>43</sup> Jayaprakash Narayan, the Sarvodaya leader, feels that if the devolution of power is to be real and effective, the deputy commissioner should be only a representative of the state at the district level just as the Governor is the representative of the central government in the State.<sup>44</sup> The subordinate position given in their system to deputy commissioner in relation to the Zila Parishad will stand adversely to the discharge of duties as representative of the government and as guide and adviser of the panchayati raj bodies. They shall then have to be responsible as well as loyal to two masters, and the state government will be left without an independent observer on the district scene who can report objectively on the state government. One of the expert committees

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<sup>42</sup>Jayaprakash Narayan: *A plea for Reconstruction of Indian Polity*, (Kashi, Sarva Seva Sangh, 1959), pp. 91-94. Also by the same author: "The Role of Political Parties in Panchayati Raj", *Indian Journal of Public Administration*, Vol. VIII, No. IV, October-December, 1962, p. 605.

<sup>43</sup>Report of a study Team on Democratic Decentralisation in Rajasthan (New Delhi, 1961) p. 19.

<sup>44</sup>Jayaprakash Narayan: *Swaraj for the People* (Varanasi, 1961) p. 9.

observed, "while reporting to government on any matter and in carrying out its directions issued by virtue of its controlling powers, he will constantly be in a dilemma as to whether he should act on his independent judgment or take the Zila Parishad in his confidence. His position will become particularly difficult in matters where there is difference of opinion between the government and the council. It will be extremely difficult for him to divide his loyalty into compartments and show different personalities at different times according to the authority under which he is operating".<sup>45</sup>

In states where the Zila Parishads have been entrusted with most of the developmental work, a solution of the above difficulty has been found by keeping out the deputy commissioner from direct involvement in the planning, coordination and execution of development programme in the district. But he has been allowed to retain general supervisory powers over the working of the panchayati raj institutions. For instance, in Maharashtra the role of coordinating and supervising the development activities has been entrusted to the chief executive officer of the Zila Parishad. This officer has been vested with many powers. As administrative head of the Zila Parishad he exercises full supervision and control over the officers and servants holding office under the Zila Parishad. He has the administrative control over block development officers; he also writes their confidential reports. He can also submit proposals for the consideration of a Panchayat Samiti and can attend the meetings of a Panchayat Samiti.

As regards the collector, he is the Chairman of the District (staff) Selection Board. At the district level, there are two types of scheme—state sector and local sector. The collector co-ordinates both of them. He sees to it that the local sector schemes are implemented by the Zila Parishad. The collector is authorised to make a report to the State government about the working of the Zila Parishad. He can call for any information from Zila Parishad relating to its affairs. In addition he is also vested with emergency powers. He can require a Zila Parishad or a Panchayat Samiti to execute immediately any work

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<sup>45</sup> *Report of Committee on Democratic Decentralisation, Government of Maharashtra (Bombay, 1961), p. 102.*

or to any other thing, which he thinks is necessary for the health and safety of the people. He can compel the Zila Parishad or Panchayat Samiti to incur the necessary expenses. He then reports to the divisional commissioner who can either confirm his stand or pass an order modifying it.

As a district magistrate in Maharashtra, the collector is empowered to prohibit or suspend any order or resolution of a Zila Parishad or any of the committees of the Zila Parishad or a Panchayat Samiti if the execution thereof is likely to lead to a breach of peace or otherwise cause annoyance to the public. If he makes such an order he sends the statement alongwith the reasons to the divisional commissioner and the latter has the power to approve, modify or rescind it.

Those who are opposed to the Maharashtra pattern point out the following drawbacks:

1. The association of the deputy commissioner with the working of the Zila Parishad and Panchayat Samiti will be of mutual advantage to both.
2. His separation from the popular bodies will virtually amount to his removal from the main stream of development efforts in the district.
3. Without having a right to sit and watch or participate in the deliberations of Zila Parishad, he shall not be able to control the working of the latter.
4. His role to assist the panchayati raj institutions in developing "the right conventions in the day-to-day work" would never be realised.<sup>46</sup>
5. Without detailed background knowledge of the working of these institutions he cannot act as *reporteur* of the government.
6. He shall not be able to maintain close contacts with the public mind in his district which may effect his revenue and magisterial function.
7. The three-tier structure will also be deprived of the

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<sup>46</sup>Third Five Year Plan, Planning Commission (New Delhi, 1961), p. 34.

advice of a mature, experienced and detached official, whose only duty is to look for the welfare of the masses.

8. Assistance, guidance and advice from within is better than control and direction from outside.
9. With his guidance and control the standards laid down by the state headquarters for the technical officers at district level very much improve.<sup>47</sup>
10. At the time of emergency, there will be less "unity of command" because of two officers of equal rank at the district level.

The Government of Andhra Pradesh appointed in April 1967, a committee with Shri M.T. Raju, then First Member, Board of Revenue, as Chairman to devise structures and methods which would make it possible to carry out the development schemes more effectively at the district level. The Committee has recommended the formation of a Zila Development Board for each district, which will consist of the collector (as Chairman) and the Chairman of the Zila Parishad (member). The Secretary of the Zila Parishad will function as Secretary of the Board. It will be the task of the Board to formulate and implement programmes designed to secure the economic development of the district including programmes connected with irrigation, power, animal husbandry, fisheries, cooperation and marketing. The Board has also been given the powers to reallocate the budgetary provisions under the same head, exercising the powers of the head of the department. For the implementation of the integrated district plans, the departments of agriculture, irrigation, cooperation, panchayati raj and industries have been brought under the purview of the collector, who shall be the head of each of these departments in the district, except irrigation. Suitable financial and administrative powers will be delegated to the collector and the district officers of the above departments will function as personal assistants to the collector. To relieve the collector of revenue work, civil supplies and other matters, the committee has recommended the creation of posts of District

<sup>47</sup>S. Chakravarti: "Community Development, Planning and Administration at Local Level in India", *Journal of Local Administration Overseas*, Vol. II, No. 1, 1963, p. 221.



Revenue Officers to be manned by I.A.S. officers working under the administrative control of the collector.

The Raju Report is the very ante-thesis of the Maharashtra pattern wherein the collector has no direct involvement in development work. The Report attempts to integrate the traditional pattern of administration at the district level with the new panchayati raj pattern. In reality, collector would have to work under the heads of departments concerned with development functions. No doubt these heads of departments will normally be senior to the collector in service but no collector would like his work to be assessed by so many masters. Apart from that, the new scheme would take away the prestige of the panchayati raj institutions. The system has not yet started to function but essentially it has marked a radical departure from recent trends. At a recent Seminar<sup>48</sup> it was felt that such a scheme can be successful only if deputy commissioners with sufficient maturity in age and seniority in service are appointed. A ten year seniority should normally be considered adequate.

### *Assessment*

In spite of certain shortcomings the new system appear to have worked well in Maharashtra. There is a growing opinion in favour of the Maharashtra pattern. The Punjab Administrative Reforms Commission favoured the adoption of the Maharashtra pattern in the Punjab.<sup>49</sup> Strictly speaking, the deputy commissioner being an official, has no real place in a purely non-official and elective body. The real difficulty of associating the deputy commissioner with the Zila Parishad is that as the Panchayati Raj institutions gather strength, opinion of the government and the Zila Parishad may differ on certain issues, and the deputy commissioner being also the representative of the government at the district level may find himself in an embarrassing position. If the development work is entrusted to the chief executive officer of the Zila Parishad, the deputy

<sup>48</sup>Andhra Pradesh Region of the Indian Institute of Public Administration organised in November 1966, a Regional Seminar at Hyderabad, Representatives of IIPA Regional Branches of Madras, Mysore, Kerala and Maharashtra participated.

<sup>49</sup>*Report of the Punjab Administrative Reforms Commission*, Chandigarh, 1966, p. 227.

commissioner can evaluate impartially the functioning of Panchayati Raj institutions and he can also keep the government informed of any matter which is of sufficient importance. As in Maharashtra, the chief executive officer should have unified administrative control over the departments from whom he is expected to take work and whose work he is expected to co-ordinate.

Our study of the time spent shows that a deputy commissioner on the average puts in 11.72 hours of work daily and he spends about 50 per cent of this time on court work, case work, and V.I.Ps. He does not seem to devote more than 15 to 20 per cent of his time to development work. He can thus hardly do justice to his developmental responsibilities. But the contrary view is also held that with complete separation of the judiciary, the deputy commissioner should have more time for the developmental functions and the traditional prestige of the institution may provide greater stimulus to development in the district.

If we want to bring the departmental officers at the district level under the administrative control of the Zila Parishad in the Punjab, it would be necessary to have a senior officer as executive officer of Zila Parishad to effectively coordinate their work and guide them properly. There are two ways to do this, first the collector can be made incharge of the whole work and assistance can be given to him and second, a senior Indian Administrative Service Officer can be appointed exclusively for development work. The second alternative will be better because it will help to fix the responsibility for development squarely.

The Punjab, being a border state, many emergency situations are likely to arise and the deputy commissioner is likely to get involved in more important duties, *e.g.*, supervision over food distribution, price control, civil defence, law and order, etc. The fear that the Chief executive officer might set up a parallel government at the district level with a passage of time is hardly justified. The deputy commissioner is likely to remain the sole representative of the government at the district level. Care should, however, be taken to see that the chief executive officer is slightly junior in rank to the deputy commissioner.

A suggestion has been made that the deputy commissioner should also be asked to look after "Industries" because this subject is not attended to by the Panchayati Raj institutions. In the Punjab, the development of industries is not uniform in all the districts and conditions vary from place to place. The Industries Department has its own hierarchy of officers at the divisional and district levels. We, really, do not need an officer of deputy commissioner's rank to act as the Chief Industrial Development Officer in the district. Furthermore, one can visualise that the Panchayati Raj institutions, as they grow and mature, will cover development of industries also.

There would already be need for an officer of the state government to function as its representative on the district guiding and advising the Zila Parishad and exercising powers of control over the Panchayati Raj institutions. A collector is the fit man for such a role, because an officer who is subordinate to the Zila Parishad, cannot discharge these functions. If we plan to make the district officer subordinate to the Zila Parishad, the state government will be left without an independent observer on the<sup>50</sup> district scene who can keep it regularly posted on the progress of development work and the operation of local bodies and render to it impartial and objective advice on law-and-order situation

The Sixth Meeting of the Central Council of Local Self-Government held in 1960 was of the view that the collector should remain outside the three-tier system of Panchayati Raj, with authority to attend the meetings of the Zila Parishad and Panchayat Samitis of its sub-committees.<sup>51</sup> This would enable him to be a more effective agent of the government in the district. His success in this function would depend a good deal on his ability to withstand the pressures of local political groups. It is evident that the members of the ruling group expect, as a matter of right, some sort of preferential treatment and when the ruling group is composed of two or more parties, the difficulty is bound to increase. The collector has to perform a veritable tight-rope walking the criss-cross of local pressure groups,

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<sup>50</sup>It is the opinion of a section of the people.

<sup>51</sup>*Kurukshetra*, Vol. I, No. 4, January 1961, p. 12.

without being influenced by them and also being recognised by the public as such.

The deputy commissioner is to continue to act as the most trusted and disinterested guide and adviser of the Panchayati Raj bodies in view of his awareness of the general and social requirements of the district. It is now being felt that for a pretty long time, the deputy commissioner will have to coordinate the implementation of the local programmes by the Panchayati Raj institutions with the execution of the state sector programme by traditional administration and ensure that they are in conformity with the national policies.<sup>52</sup>

### C. URBAN LOCAL BODIES

In the Constitution of India the subject of local government is included in the State List as, "local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government of village administration."<sup>53</sup> Thus, the state legislature has the exclusive power to make laws for local government.<sup>54</sup> The machinery and the methods of internal municipal administration are determined by the law, the rules made thereunder and the by-laws framed by the municipal committees for the conduct of business. The efficiency and effectiveness of the municipal corporations largely hinge on the soundness, stability and smooth working of the internal machinery.

There are four kinds of units of urban local government in India: (a) city corporations, (b) municipalities, (c) town areas, and (d) notified areas. Apart from these main types there are cantonment boards and improvement trusts. In the Punjab, there are municipal committees, notified area committees, cantonment boards and improvement trusts only. The municipalities are divided into three classes, first, second and third,

<sup>52</sup>In India, the future of the deputy commissioner "seems to be in coordination, not in administration". See Harold F. Alderfer; *Local Government in Developing Countries*, (New York, 1964) p. 183.

<sup>53</sup>Entry No. 5 State List 11, Seventh Schedule to the Constitution of India.

<sup>54</sup>The Constitution of India, Ar. 246(3).

on the basis of area, population, income, etc.

The deputy commissioner has always occupied a key place in the Indian local government set-up, sometimes as the *ex-officio* president of municipalities and district boards and sometimes as the executive officer, responsible for execution of policies and resolutions of the municipal committees, thus controlling them from within. With more and more of decentralisation, his control was decreased and he exercised external control in pursuance of the powers conferred upon him by the statutes or as an agent of the provincial government. The latter type of control, by fits and starts, many times resulted more often than not in the thoughtless intervention due to insufficient interest taken by deputy commissioners and commissioners in the problems of local bodies. Being principal officers concerned with the general administration, it was difficult for them to take "a detached view of local problems and controversies".<sup>55</sup>

### *Municipal Committees*

Municipal authorities are non-sovereign bodies and if they are not controlled properly they might become city states or a sort of *imperium in imperio*. State control is necessary because local authorities have wide functions which involve a high level of expenditure. Control is also needed for proper direction, unification and coordination of civic services and for accruing consistency and continuity in the national policies.

Municipal government in India is hardly a century old. In the Punjab it started under the Punjab Act, 1867<sup>56</sup> and after five years, another Act was passed which repealed the earlier one.<sup>57</sup> Lord Ripon's famous resolution of 1882 which laid the foundations of local self-government institutions in India, said, "It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly designed as an instrument of political and popular education."<sup>58</sup> With this aim the Acts of 1883 and 1884 greatly

<sup>55</sup>M.P. Sharma: *Local Self-Government in India* (Bombay, 1951) p. 87.

<sup>56</sup>The Punjab Act (Act XV of 1867).

<sup>57</sup>The Punjab Act (Act IV of 1872).

<sup>58</sup>Lord Ripon's Resolution of 1882, para 5.

enlarged the constitution, powers and functions of municipalities. In 1891, some minor additions were made,<sup>59</sup> but the Punjab Municipal Act of 1911 introduced considerable changes in the functions and set-up of the municipal committees. The Municipal Act of 1911 was amended by Act 11 of 1923 and Act of 1933 (a) raising the maximum number of members from 3 to 5; (b) reducing the number of appointed members from one-third to one-fourth of the whole committee; (c) empowering municipal committees to levy specified taxes without the sanction of government, etc. The Punjab Small Towns Act, 1922, made provisions for the setting up a comparatively simple machinery for the administration of small towns with population less than 10,000. The Punjab Municipal (Executive Officers) Act, 1931, provided for the appointment and powers of executive officers in the municipalities.

After Independence, the municipal committees were to be wholly elected bodies with president to be elected in a democratic way. The process of having elected presidents of these institutions had started with Dyarchy and got more fillip with the coming of provincial autonomy. New election rules were framed, the system of communal electorates, etc., was given up and the municipal committees took up their role in the democratic set-up of the welfare state, giving maximum participation to the people and their elected representatives. These institutions which primarily cared for the civic amenities and planned development had been under the control and supervision of the deputy commissioner since their inception. Before Independence, the deputy commissioner exercised a tight control over them. The requests for assistance, grants, etc., to the government by institutions were only routed through him. He had also the power to stay the execution of any resolution passed by them. He could also recommend to government to suspend or cancel any resolution passed by these bodies.

### *Powers of Deputy Commissioner*

The deputy commissioner can enter, inspect and survey any immovable property occupied by any municipal committee.<sup>60</sup>

<sup>59</sup>The Punjab Act (Act XX) of 1891.

<sup>60</sup>Punjab Municipal Act, 1911, Sec. 231(j).

He can also inspect any book or document in possession of the secretary and can ask for any statements, accounts, reports and copies of documents or the proceedings or duties of the committee.<sup>61</sup> He has also the power to suspend in writing, the execution of any resolution or order of a committee, if it is *ultra vires* of the committee orders or contrary to the interest of the public or likely to cause waste or damage of municipal funds or property or likely to lead to breach of the peace or encourage lawlessness.<sup>62</sup> In the case of emergency he may provide for the execution of any work which is necessary for the service and safety of the public and may direct that the expense of executing the work of doing the act is to be paid by the committee.<sup>63</sup> For a municipal committee of second class, he has the power to order performance of duties in case of any default.<sup>64</sup> The state government can also authorise him to see that the proceedings of the committee are in conformity with law and the rules in force under any enactment.<sup>65</sup> If there is any dispute, between two or more committees in the same district, the matter is referred to the deputy commissioner.<sup>66</sup> The action taken by the deputy commissioner is subject to confirmation, modification or revision by the state government.<sup>67</sup>

The deputy commissioner is empowered to prevent extravagance in municipal establishments. If in the opinion of the deputy commissioner, the number of persons employed by a committee or the remuneration assigned to them is excessive, the deputy commissioner may require the committee to reduce the number of persons or the remuneration as the case may be.<sup>68</sup> The executive officer is subject to the general control of the deputy commissioner and the state government.<sup>68</sup>

The purposes to which municipal fund can be applied have been specified,<sup>69</sup> and if it is to be applied for any other purpose,

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<sup>61</sup>Punjab Municipal Act, 1911, Sec. 231(2).

<sup>62</sup>*Ibid.*, Sec. 232.

<sup>63</sup>*Ibid.*, Sec. 233(1)

<sup>64</sup>*Ibid.*, Sec. 234(1).

<sup>65</sup>*Ibid.*, Sec. 236(1).

<sup>66</sup>*Ibid.*, Sec. 239.

<sup>67</sup>*Ibid.*, Sec. 235.

<sup>68</sup>*Ibid.*, Sec. 42.

<sup>69</sup>Punjab Municipal (Executive Officers) Act, 1931, Sec. 10.

the sanction of the state government is to be obtained. If the expenditure is to be incurred outside the municipality, the sanction of the deputy commissioner is necessary. The municipal budgets are also approved by the commissioner in the case of municipal committees of the first class and by the deputy commissioner in other cases.<sup>70</sup>

The law provides for appeals from the orders of the committee in certain specified cases to such officers as the state government may appoint for the purpose of hearing of such appeals or failing such appointments to the deputy commissioner; the order of the appellate authority being final.<sup>71</sup> He also hears appeals against orders of dismissal of employees passed by the municipal committee for a certain category of persons,<sup>72</sup> and hears appeals against taxation.<sup>73</sup>

A member of a municipal committee may resign his office by intimating his intention to the state government through the deputy commissioner.<sup>75</sup> He is the incharge of municipal elections, publishes a list of polling stations and appoints the presiding and the polling officers, etc.<sup>76</sup> The election petitions must be presented to the deputy commissioner within 14 days after the result of the election. He has been empowered to extend the period of 14 days if there are sufficient grounds for such extension.<sup>77</sup>

The Local Government (Urban) Enquiry Committee, (Punjab) was appointed in 1954 to go into details along with other things "to consider the question of setting up a local government directorate with regional officers at the divisional and the district levels and the possibility of integrating it with the directorate of panchayats". In its report in 1957, it recommended the setting up of a directorate at the state level. In

<sup>70</sup>Punjab Municipal (Executive Officers) Act, 1931, Sec. 52.

<sup>71</sup>Rule XVII of the Municipal Account Code, 1930. After the setting up of the Directorate of Local Bodies, the functions of Commissioner are performed by the Director, Local Bodies.

<sup>72</sup>Punjab Municipal Act, 1911, Sec. 225.

<sup>73</sup>Dismissal of Municipal Employees Rules, Rule 45.

<sup>74</sup>Punjab Municipal Act, 1911, Sec. 84(1).

<sup>75</sup>*Ibid.*, Sec. 15.

<sup>76</sup>Municipal Election Rules, 1952, Rule 22.

<sup>77</sup>*Ibid.*, Rule 53.



April 1966, the directorate was set up because the government felt that:

1. The existing system for supervision and guidance is not effective;
2. The urban local bodies conference representing municipal committees and improvement trusts have been passing resolutions for the establishment of a directorate;
3. The inspections, etc., in the field are of a stereotyped pattern; and
4. The deputy commissioners and the sub-divisional officers have their hands full with their multifarious duties pertaining to revenue development and general administration and have not enough time to devote to the problems.

The directorate in the Punjab is an hierarchical organisation with the director assisted by three regional deputy directors posted at Jullundur, Ludhiana and Patiala. No officers have yet been appointed at the district level. The director has the status of a head of the department, who is under the administrative control of the secretary to government (local government). The directorate is expected to have a close supervision and provides guidance to the urban local bodies. The municipal committees with first class status correspond with the state government through director, urban local bodies, and other local bodies correspond with the government through regional deputy directors/directors.

The directorate is responsible for direction, supervision and guidance of the urban local bodies and in particular to secure:

1. The urban local bodies maintain reasonable standard of efficiency and progress;
2. Sound planning for comprehensive development of the towns; and
3. To function as responsible organs of democratic local government.

The setting up of the directorate appears to have brought a welcome relief to some of the deputy commissioners and sub-divisional officers. The supervisory functions of the commissioners

and the deputy commissioners have sufficiently been limited because this work is primarily attended to by the director, urban local bodies. Generally speaking, in matters relating to urban local bodies, deputy commissioners/sub-divisional officers route their references to the government through the director, urban local bodies. The deputy commissioner has the same relationship with the directorate as he has with other heads of departments and their regional officers.

The Rural-Urban Relationship Committee has strongly recommended the setting up of directorates of local self-government in each state and the main recommendations in this connection are:

1. A directorate of urban local administration at the state headquarters should be under the charge of a senior officer; well versed in municipal administration (if possible).
2. To guide and advise local bodies for personnel management.
3. A central valuation section for appellate work regarding valuation of land, etc.
4. A planning and finance cell to facilitate planning and execution of programmes.
5. An inspectorate at the field level, with one inspector for each division or a group of districts.
6. A section under the direct control of the director for direction and control over the field staff.<sup>78</sup>

Thus we see that the government has come to realise that deputy commissioner does not have enough time to supervise and guide the working of the municipal committees. Setting up of the directorates in every state, apart from giving technical guidance would also lighten the burden of the deputy commissioner.

### *Cantonments*

Unlike other countries, a cantonment in India is not a "Quarter assigned for lodging of troops", as the dictionary

<sup>78</sup>Report of the Rural Urban Relationship Committee, Government of India, Ministry of Health and Family Planning, June 1966, Vol. I, p. 120.

meaning of the term will suggest, but the cantonments are permanent military stations with sizable areas housing civilian population which has shifted to these areas primarily for serving the various needs of the military personnel. The management of the areas has, therefore, been vested in the military officers in charge of the stations. Our cantonments are peculiar towns, a legacy of the British rule and from their very inception, the civic administration of these areas kept a close preserve for the imperialist administration in the first half of the nineteenth century some sort of local government in civilian towns was developed but in cantonment towns the civilians continued to be treated as "army followers" and were ruled by military authorities. During the sixties of the nineteenth century, three Cantonment Acts<sup>79</sup> were passed vesting the police administration of cantonments under the officer commanding and constituting a Cantonment magistrate, independent of the district magistrate. A Consolidated Act XIII was passed for the whole of India which recognised the necessity of special laws, in places meant for military. The Cantonment Act, 1924, is applicable till today, with minor modifications. The super-structure of the constitution of Cantonment Boards is based on the principle of 'Dyarchy'—the Keystone of Montford Reforms. The officer commanding the station is an *ex-officio* president of the board and the executive officer who is its secretary is appointed by the central government. He belongs to a special defence ministry cadre, called military lands and Cantonments Service. Recruitment is through a combined competitive examination by the UPSC for All-India and other Class I services. The institution of cantonment magistrates has now been abolished. Cantonments have been divided into three classes on the basis of the civilian population and are termed as class I, class II and class III, depending upon the civil population.<sup>80</sup>

For every cantonment there is a cantonment board. In class I cantonments, the board consists of (i) officer commanding the station, (ii) the health officer, (iii) the executive engineer, (iv) four military officers nominated by name by the officer commanding and seven elected members. The deputy commissioner

<sup>79</sup>Bengal Act XXII of 1864, Madras, Act 1 of 1866 and Bombay Act iii of 1867.

<sup>80</sup>The Cantonments Act, 1924, Sec. 13.

of the district nominates one magistrate of the first class on this board. In class II cantonments also there are cantonment boards but with a different organisation. Deputy commissioner nominates one magistrate of the first class in class II cantonments also.<sup>81</sup> The term of office of elected members of a cantonment board is three years. The deputy commissioner is the head of the district and cantonment areas form a part of the district. Except for some of the powers specially given to the central government for the sake of administering certain definite areas which are strategic from the defence point of view, the control of the deputy commissioner, is as effective as it is on the rest of the part of the district. He is incharge of law and order and elections in the whole of the district including cantonments. During the Pakistani aggression, many paratroopers who were thrown in the cantonment areas with the intention of disrupting and paralysing the normal life of the citizens were rounded up by the district police which is under the control of the superintendent of police and deputy commissioner of the district. In the case of natural calamities, the help is sent through the district authorities. As a matter of fact the cantonment board cannot work properly if there is no coordination with the deputy commissioner. All necessities of military which are not available through the Army Supply Core or canteen, etc., are secured from the open market and requisition in some cases about bricks, cement, etc., is made to the deputy commissioner. When the deputy commissioner considers any decision of the cantonment board to be prejudicial to the public health, safety or convenience, he gives notice in writing of his intention to the board and refers the matter to the central government and pending the disposal of such a reference, no action can be taken on the decision.<sup>82</sup>

The board has the power to levy the tax but the appeal against the assessment or levy of, or against the refusal to refund lies to the deputy commissioner.<sup>83</sup> If there is any disagreement as to the liability of a board to pay any compensation under the Cantonment Act, 1924, the matter is referred to a committee of Arbitration. If the deputy commissioner thinks that any person

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<sup>81</sup>The Cantonments Act, 1924, Sec. 13(4)

<sup>82</sup>*Ibid.*, Sec. 51(2)

<sup>83</sup>*Ibid.*, Sec. 84(1)

who has a direct interest in the matter under reference has been nominated on the committee he may appoint another member.<sup>84</sup>

### *Improvement Trusts*

Deputy commissioner has the same powers of supervision and control over improvement trusts as he has in the case of municipal committees. The views of deputy commissioners are always obtained before establishing improvement trusts in new towns. All schemes framed by improvement trusts are routed through deputy commissioners to the government. He can report any matter to the government in which he feels that the improvement trusts are not working properly. He tries to use his position in case of dispute between an improvement trust and the local body.<sup>85</sup> The notified area committees are not very effective at present, therefore, no separate discussion appears to be necessary.

### *Assessment*

The functions of the local self-government cannot be performed adequately by the divisional commissioners as well as by the deputy commissioners because they have no special training for the direction, supervision and guidance of municipal administration. Most of them are so busy that they hardly find time for detailed supervision. "It must be admitted," remarks Mr. Strickland "that... the district officers and others, who advise the central (local) authorities have less knowledge of local administration in principle and practice than is desirable."<sup>86</sup> The Uttar Pradesh Local Self-Government Committee found that district officers who exercise supervision and control on behalf of the government do not take sufficient interest in the problems of local bodies owing to the fact that they have their own heavy duties to perform.<sup>86</sup>

The latest thinking in India is to set up directorates in every

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<sup>84</sup>The Cantonments Act, 1924, Sec. 263(2)

<sup>85</sup>Proceedings of the Conference of Commissioners and Deputy Commissioners, 1964, p. 22.

<sup>86</sup>Sir Edward Blunt (Ed.): *Social Services in India* (London, 1939), p. 366.

<sup>87</sup>Report of Uttar Pradesh Local Self-Government Committee, Part II, para 39.

state. A number of progressive states like Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan have already established them.

In Tamil Nadu the functions of the directorate are performed by Inspectorate of Local Bodies. In Jammu & Kashmir, the directorate is only for the Town Area Committees. The setting up of a directorate in Punjab and is not old enough, therefore, it is too early to say anything regarding its working. It is only relevant for our study so far as it has lightened the burden of the deputy commissioner. Municipal committees have been formed to fulfil a certain role purely local in character. The setting up of the directorates has created certain problems and tended to shift the emphasis to the headquarters. Many matters which can be effectively solved at the spot have to be referred to the persons sitting miles and miles away, thus creating delay. The deputy directors are unaware of the local circumstances and conditions and base their judgments on second hand knowledge. The officers at the district level have yet not been appointed. Previously at the sub-division level, sub-divisional officer (civil) could be approached even at odd hours and many executive officers or secretaries of the municipal committees received instructions even on telephone. The Director, Local Self-government and his team of deputy directors seldom go on tour or inspections which is not a very healthy sign. The whole system is shaky and is likely to take sometime to become vigorous and effective.

Whenever the director of local bodies has to establish some finding or fact, the case is invariably marked to the deputy commissioner or the sub-divisional officer (civil) for enquiry or for more information. It is not desirable because it creates dual system of control and in the course of time might create more confusion, or heart-burning. Moreover action on the enquiry is taken by a different agency which does not know the circumstances or the facts of the situation. It was in the field or direction of local government that the first concessions were given by the British to meet the rising aspirations of self-government. These institutions became little citadels of democracy but the state government often encroached into their field both functionally and financially. After independence,

the situation has changed and there is an urgent need for revision of municipal laws to give the municipal bodies greater and greater freedom to act, and irksome orders and rules for obtaining sanctions and administrative approval involving long delays must be rationalised. The deputy commissioner should not remain a mere watch-dog concerned with the prevention of the misuse of powers by municipal councils, through reports and budgets, etc., he has to actively participate in the development of local government but without imposing his authority as that would destroy the autonomy and self-reliance and hamper the enthusiasm of the latter. The goal of control by the deputy commissioner or the directorate should be the development of self-governing institutions into efficient instruments of administration, capable alike of formulating policies and executing them. The control should not be excessive but the municipal committees should regard the controlling authority as "*the guide, counsellor and protector of local authorities as well as the tutor*."<sup>88</sup> It should be less concerned with the negative commandment "thou shall not", and more with the positive approach, "though shalt in better ways". In short, the leadership of the deputy commissioner should be stimulating and constructive to evoke civic pride.

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<sup>88</sup>Henry Maddick: *Democracy, Decentralisation and Development*, (Bombay, 1963) p. 133. *Emphasis added.*

## CHAPTER VIII

### REPRESENTATIVE OF THE GOVERNMENT

The deputy commissioner continues to enjoy the prestige of being the man of the government in the district. His main duty is to keep the government informed of the activities in the district, the political trends, and other information necessary for the security of the state. He is expected to know the people of the area very intimately so that he may be able to know their problems well. Being a local head of the district, the deputy commissioner is able to visit the local places and decide things in a dispassionate way, which saves the government considerable embarrassment at a later stage. He is a man with many masters, "Answerable and responsible to all, expected to serve them all with equal impartiality and courtesy".<sup>1</sup> These days it is a fashion to speak derisively about the pre-Independence paternalistic administration of the deputy commissioner but still people want one officer at the district level to whom they can approach. This officer can only be the deputy commissioner and his role as government's principal agent in the district should be reiterated.<sup>2</sup>

He has special function in relation to linguistic or commercial minorities. He has to see that there is no discrimination and their rights are adequately protected. His role as an agent of the government at the district level is discussed under the following heads.

#### A. Role in Planning

Planning in India is the concurrent responsibility of the central and the state governments. It is, at present being undertaken, taking the states as the primary units. Below the state level the principal units are the district, the block and the village.

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<sup>1</sup>E.N. Mangat Rai : *Civil Administration in the Punjab* (Cambridge, 1963), p. 45

<sup>2</sup>*Report of the Administrative Reorganisation and Economy Committee*, Government of Kerala, p. 40.



There are some administrative and institutional arrangements existing at these units for the formulation as well as execution of plans and for popular participation of the leaders. Administration is a very strategic resource in the process of development because the ultimate outcome of the entire development plan depends upon it.

State plans account for nearly half of the public sector Five Year Plan outlays.<sup>3</sup> The importance of state planning is further emphasized by the fact that nearly 85 per cent of the state plan outlay is concentrated on three heads of development, viz., (i) Agriculture and Community Development, (ii) Irrigation and Power ; and (iii) Social Services.<sup>4</sup> There is no specialised planning agency in the states and where there is one, it is not different from the other secretariat departments.

#### *Organisation of Planning at the State Level*

At the state headquarters, the machinery for planning consists of three parts : (a) The State Planning Board, (b) State Development Board, and (c) Planning Department. The State Planning Board was set up in July, 1962, under the chairmanship of Chief Minister with Ministers incharge of the important development departments as the members. The main function is to lay down the broad lines of policy and to decide allocation and priorities in regard to Annual and Five Year Plans. It also reviews the progress in the implementation of the development programmes. Coordination between the departments of agriculture, animal husbandry, fisheries, forests, cooperation, public works, revenue, community development and panchayats is achieved at the Minister's level through a Sub-Committee on Agricultural Production, of which the Chief Minister is the Chairman and the Ministers incharge of the departments are members. There is also a State Advisory Committee on Planning.

The State Development Board affects coordination in planning and review of development programmes. It consists of Financial Commissioner (Planning) as its Chairman and

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<sup>3</sup>Plan Outlays for First, Second, Third and Fourth Plan (Draft Outline) were 50.1.43, 47, 44.2 per cent respectively.

<sup>4</sup>First, Second, Third and Fourth Plan percentage was 82.8, 84.6, 85.7 and 88.5 respectively.

all administrative secretaries concerned with development schemes as its members. The commissioner for Agricultural Production and Rural Development coordinates the development programmes of agriculture and other allied fields.

The Planning Department initiates action for the preparation of Five Year and Annual Plans by the administrative departments and coordinates the policies, plans and programmes and reviews and evaluates overall progress. To collect facts and figures, the department of Economic and Statistical Organisation is attached to it.

### *District as a Unit of Planning*

The targets set in the national or state plans can be achieved only with the co-ordinated and purposive participation of the people and their local institutions. The government has embarked upon the concept of planning at the district level which means that a few areas of every district will be taken and developed. The district planning shall not include the planning for the whole district but only a selective type of district. The necessity of planning at district level has been supported due to the following reasons:

1. In sectors like agriculture and rural industries, planning is more effective at the lower levels for the best use of land and manpower.
2. It is a ready made administrative unit available for plan implementation.
3. A district is a compact area in which conditions are more or less homogeneous than in larger regions.
4. Popular participation in the shape of contribution of materials, finance, and labour by the population in a limited area is greater.
5. Local knowledge and experience can be very helpful in formulating and implementing various development schemes.
6. It strengthens the grass roots of democracy by more and more of decentralisation.

District is an ideal unit of planning and those who advocate

or making block as the unit of planning forget the following considerations :

1. In blocks, there is dominance of local interests and party factions and the presence of all the evils generated by the panchayati raj institutions.

2. At the block level, the tendency is to please as many claimants as possible.

3. There is also the shortage of technical staff.

4. Whereas at the district level, there shall be the co-ordination of rural and urban plans of development; in blocks, it may not be possible due to the limited area of the blocks.

5. Block is not a viable unit for local planning and proper development of the area.

6. The funds at the block level are limited to the funds provided in the schematic budget of the community development organisation and in the schemes of different development departments and the local resources of the Panchayat Samitis.

7. There should be a considerable amount of decentralisation of decision making ; it is more feasible at the district level because the district level officers can provide the specialist assistance needed for drawing up plans.

8. The communication between the block and the state will not be that effective as between the district and the state.

9. The development departments of the state will find it more convenient to deal with a limited number of districts and district level officers than with the Panchayat Samitis and extension officers.

Shri Morarji Desai, former Deputy Prime Minister and Finance Minister, while inaugurating a Workshop on Planning at the State Level at the Indian Institute of Public Administration on May 19, 1968, said, "I do not understand what is meant by village level planning." He felt that the smallest unit for planning should be a district and he visualised the planning machinery at this level being more concerned with plan implementation rather than formulation.

The planning process has not so far effectively gone down

to the district level and below. The district plan at present consists primarily of the district-wise break-up of the schemes of the different departments, and at the district the planning is done by the district level officers of different development departments. While emphasising the need for the preparation of the district plans, the Planning Commission in the Draft Fourth Five Year Plan observed, "The provisional Five Year Plan may be based on quick 'reconnaissance' surveys carried out by the technical staff for an assessment of techno-economic possibilities or physical potential for development, the stage of development already reached, evaluation of experience gained, availability of various categories of resources, readiness of the people and other factors affecting local feasibility and acceptability of the target by the farmers of the area and their institutions. The provisional Five Year Plan may be prepared in two to three months by the technical staff at the district and block levels in consultation with the office bearers of the Zila Parishads, Block Samitis, Cooperative Industries, etc."<sup>5</sup>

The need for drawing up plans at the district level was appreciated from the beginning of planned development. The First Five Year Plan also referred to the role of local institutions in the planning process. For the first time, the second Five Year Plan defined the scope and content of the district plan and made provision for the following three types of programmes on behalf of the government : (1) programmes initiated at the district and state level, (2) programmes initiated at lower levels but being integrated with the first category, (3) schemes sponsored by central or state government but implemented through machinery available in the district. In Third Five Year Plan, much of the interest was shown about district plans and the panchayati raj institutions. The Fourth Five Year Plan defined the district plan in terms of what has been said in the Second Plan but narrowed down the list of subjects.<sup>6</sup>

### *The Agricultural Planning Cells*

On the recommendation of the Planning Commission, the

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<sup>5</sup>*Draft Fourth Five Year Plan*, Planning Commission (New Delhi, 1967). Refer "Introduction".

<sup>6</sup>Memorandum on the Fourth Plan, Planning Commission (New Delhi, 1964), pp. 80-81.

agricultural planning cells have been established at the state and at the regional levels. The Planning Commission is laying emphasis on area development plans. The Government of the Punjab has also started the experiment of framing district plans, by setting up district planning committees under the Chairmanship of deputy commissioners. As far as agricultural production is concerned, the district plans are very successful. Various officers of departments dealing with agricultural production like agriculture, animal husbandry, cooperation, forests, minor irrigation meet and discuss the important issues. The domain of the Village Panchayats, Panchayat Samitis and Zila Parishads is restricted to only local works of minor importance.

Deputy commissioner is expected to play the coordinating role. In the discharge of his duties he is assisted by district development and panchayat officer. The sub-divisional officers, the district statistical officer and the district heads of development departments help the deputy commissioner in the preparation of the district plan. The deputy commissioner is the overall incharge for collecting data which primarily consists of:

1. Assessment of techno-economic possibilities ;
2. Potential for development;
3. Stage of development already reached; and
4. Resources and potentialities.

Most of the information is readily available with the revenue and development field agencies in the district, but in many other cases it has to be procured from the district/tahsil/block level officer of the concerned department. Deputy commissioner has been allowed to appoint survey staff for special surveys which is considered necessary by the district planning committee.

The deputy commissioner tours the villages and blocks and inspects the manner in which the schemes are being implemented and reviews the progress of the development schemes. As regards the technical advice, the technical officers are directly under the charge of their heads of departments and the standards or instructions are laid down by them. Deputy commissioner does not interfere in their working. At the district level the

technical officers work directly under the guidance and supervision of the deputy commissioner. It is his duty to build up a combined operations team from the personnel at his disposal and get the work done.

The deputy commissioner should, however, offer his advice to other departments either to resolve difficulties experienced by the public or officials or in matters which he considers to be of considerable importance. He should not ordinarily interfere with the technical side of the working of a department, or in its day-to-day administration.<sup>7</sup>

The Report of the Bengal Administration Enquiry Committee 1944-45, popularly known as the Rowland Committee dealt comprehensively with the role that the deputy commissioner can play with reference to the district plans. At present, in the Punjab, the deputy commissioner receives from the development commissioner the general outline of the development plan for the district. He then calls together the chief technical officers, posted at that district and proceeds to work out with them and with the advice of his own staff, a plan for combined operation. Some times other local authorities are also consulted. The technical officers suggest ways in which the plan should be shaped from their point of view and the deputy commissioner decides what is to be done and how it is to be done. Later he ensures that his instructions are carried out before he reports to the development commissioner. He can ask from the development commissioner any technical assistance needed.

Deputy commissioner, no doubt, can play a dominant role in planning at the district level but the following are the difficulties which must be surmounted :

1. The plans become catalogues of local needs and aspirations without having adequate funds to spend.
2. There is a tendency to go in for short term activities and people want immediate results.
3. The planning tends to become consumption oriented rather than production oriented.

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<sup>7</sup>*Report of the Administrative Reforms Committee, Government of Rajasthan, 1963, p. 85, para 4.4.2.*

4. Due to political bickerings and pressures, the tendency is to formulate not a practical or feasible plan but an agreeable plan.

5. There is no effective machinery to conduct surveys at local level.

6. The technical staff is neither that highly qualified nor sufficiently well paid.

The deputy commissioner is not expected to scrutinise or sit in judgment over the technical details of say, a works programme, but as the head of the district administration he is expected to decide on priorities and time-schedules.

The planning team, it has been suggested, should consist of planning officer who may be either an administrator or as technical officer to work full time on the planning side. The district level technical officers belonging to sectors such as agriculture, forestry, animal husbandry, minor irrigation and industries should be responsible for plan formulation as well as implementation at this level.<sup>8</sup> There should be a district planning committee consisting of the representatives of the Zila Parishad, Municipal Bodies in the district, professional talent in the district, and with appropriate association of the district officers—developmental and others. The district planning officer should be the secretary of this committee.<sup>9</sup>

In Kerala, a committee has recently highlighted the role of deputy commissioner *vis-a-vis* other district officers concerned with the implementation of the district plan, and made the following main recommendations : (1) development officer should forward his tour programme to the deputy commissioner, the deputy commissioner will be competent to instruct the development officer to perform tour programme. (2) The deputy commissioner should have the power to call for periodical progress reports from the development officers in his district, to make observations on them and to issue such instructions as he considers necessary. He is, however, expected to confine his observations to administrative matters and send copies of his instructions to the

<sup>8</sup> *Report of the Study Team on Machinery for Planning*, 1967, Administrative Reforms Commission (New Delhi, 1967), p. 117.

<sup>9</sup> *Ibid.*, p. 117.

regional officer or the head of the department concerned. (3) The deputy commissioner should be competent to call for a report in the nature of an explanation from the development officer in respect of any administrative matter; but if he wishes any further action to be taken, he has to report the matter to the head of the department concerned. (4) He should write annual confidential reports on the work and conduct of development officers in his district and forward the reports to the heads of departments concerned.<sup>10</sup>

There is a fear in some quarters that by delegating more and more of authority to the local authorities a strong control will be needed. It might amount to taking with one hand what has been given by the other. In order to allay such fears, we have to establish a suitable mechanism for control and chain of communication. The deputy commissioner being the representative of the state will have to coordinate the activities. As observed by Shri V.T. Krishnamachari : "His role has changed but not diminished, for he now has the function of guiding democratic bodies. Often he has to carry conviction with members of the democratic institutions." There is no other political or administrative agency which can have sufficient prestige and authority to carry out its directions. Some have other fears that some of the districts may be much too large in terms either of population or of area. A *via media* is represented by the Madras pattern, where 13 districts have been demarcated into 21 development districts.<sup>11</sup> At the regional level, the coordination of the district plans can be done by divisional commissioners. At present there is no provision, but a necessity may be felt to have a regional coordination committee with the commissioner as the chairman.

At the sub-divisional level, sub-divisional officer (Civil) is responsible for the development work under the overall supervision of the deputy commissioner. He supervises the work of block development and panchayat officers.

<sup>10</sup>Report of the Administrative Reorganisation and Economy Committee (1965-67), Government of Kerala, pp. 36-37.

<sup>11</sup>This problem has been faced by many states. In Andhra Pradesh, they have organised bigger units and the number of Samitis has been reduced. "In Britain", the centralising forces, says Robson "have gathered enough momentum to lead to a demand for elected Regional Councils."



The deputy commissioner can call for the advice and assistance of any officer working in the district and the annual confidential reports are written by him. When he records an adverse remark in the diary of any officer, it is invariably conveyed to the officer concerned even though the departmental reporting authority disagrees with it. He can authorise the Panchayat Samiti to require the help of any development department.

Being a member of the Zila Parishad, the deputy commissioner, by virtue of his position and prestige and his supervisory powers, guides its deliberations. The Zila Parishad can call any officer of the government department serving in the district to attend any of its meetings and tender advice in respect of any matter which concerns his department.<sup>12</sup> He, being the chairman of the standing committee of the agricultural production of Zila Parishad, reviews the implementation and makes efforts to mobilise the local resources. In this Committee he is successful in playing the role of coordinator for the execution of the plan schemes very effectively. Whenever he sees any bottlenecks in the progress of the scheme, he can discuss it in the meetings and ask for inter-departmental coordination when ever and wherever required.

#### *B. Liaison Officer and Coordinator*

He maintains liaison with other departments of the government. In all matters which require the coordination of officers and departments he functions as a leader. He represents "the crucial focal point in administration where the policies and the people, the administration and the administered react directly on each other."<sup>13</sup> Anything which does not belong to any specific departments in the district becomes his responsibility. He is the public relations man in the district and is a link between the government and its agencies.

He helps to bring coordination among all the departments of the district in the following manner:

1. He presides over the monthly meetings of the officers' board and other committees.

<sup>12</sup>The Punjab Panchayat Samitis and Zila Parishads, Act, 1961, Sec. 87.

<sup>13</sup>K.S.V. Raman: "Democracy at District Level", *Kurukshetra*, Vol.X, No. 1 (October 2, 1961), p. 22.

2. He writes the annual confidential reports of the officers of various departments regarding their reputation for honesty, their dealings with the public and interest taken in the development work.

3. Many times the regional heads of the office require his assistance in relation to the district level officers to assess their work and to watch and warn. There are the following four types of officers who work at the district level and their activities are to be controlled and coordinated by the deputy commissioner :

- (a) Officers whose district head is the deputy commissioner in all respects and who belong to departments of the government which have no regional heads of their own department, *e.g.*, Tahsildars, Food Inspectors, Executive Magistrates, etc.
- (b) Officers whose district head is the deputy commissioner for administrative and certain disciplinary matters. They are controlled by their regional heads, *e.g.*, District Agricultural Officers, District Education Officers, District Excise Officers, etc.
- (c) Officers who are themselves district heads of their field staff but who are subordinate to deputy commissioner in certain specific matters only otherwise they are under their regional heads, *e.g.*, Superintendent of Police, Civil Surgeon, Assistant Registrar, Co-operative Societies, Executive Engineer P.W.D., Divisional Forest Officers, etc.
- (d) Officers who are district officers but whose control does not vest in the deputy commissioner at all, *e.g.*, Sales Tax Officer, Labour Officer, etc.

4. Deputy Commissioner sanctions the tour programmes and casual leave of District Public Relations Officer and tour programme of District Industries Officer and Assistant District Industries Officer, Deputy Registrar, Co-operative Societies.

The Government of Bihar in early 1955 conferred upon the collector the status of the chief coordinating authority at the

district level. In Madhya Pradesh, collector is the chairman of the District Advisory Committee.

5. Coordination is also effected at the district level by routing annual administration reports of the various departments through the deputy commissioner.

6. He sanctions casual leave, and any application for leave other than casual leave is forwarded to the head of department with his recommendation.

7. If the work of the district level officer is not satisfactory and if after repeated instructions he does not improve his performance, the deputy commissioner may move to the head of the particular department for his transfer.<sup>14</sup>

8. The deputy commissioner may call for the explanation of the officer on administrative matters in consultation with the heads of departments.

Coordination may be good among equals, but it tends to become subordinate to the leader if he is very much superior in calibre and status to the members of his team. When the officers are more or less of equal rank the coordination requires some kind of functional control over them. The deputy commissioner does not have those many powers and should be clothed with more. The Report of the Bengal Administrative Enquiry Committee, 1944-45, brought home the fact that the deputy commissioner is expected to compose differences between other officers "but he has no power to impose his will upon the recalcitrant. He can cajole and persuade; he cannot compel. He is regarded as responsible for stimulating the activities of the officers of other departments, but he has no real control over them, and although they are under an obligation to keep him informed of their activities, the extent to which this obligation is discharged depends in most cases on the personal factor." At best at present a deputy commissioner uses his influence and energy to push through some particular aspects of government policy in which he is interested, only to be succeeded by another officer with enthusiasm of his own. There are many impediments to the coordinating role of the deputy commissioner.

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<sup>14</sup>It is a convention in the Punjab to see that good relations exist among the officers, so only in exceptional cases these steps are taken but the heads of the departments do cooperate with the deputy commissioner.

The entire approach of most of the departments is towards implementation of individual programmes through a vertical hierarchy. John P. Lewis calls it the "functional splintering", "the deep cleavage between functions, with its emphasis on vertical chain of command, rather than upon the horizontal integration of programmes at particular geographical or administrative levels which is so characteristic of Indian administration".<sup>15</sup>

### C. Ceremonial

Sometimes he hoists the National Flag on the national functions like the Republic Day and the Independence Day and takes salute on behalf of the government. The functions which are performed by the governor at the state level and the commissioner at the divisional level are performed by him at the district level. The Imperial Gazetteer defines his executive authority as "He is the representative of the government in that large area under his charge. He is both the principal magistrate and revenue officer. In addition to these duties of revenue and crime, the collector has to interest himself in all matters affecting the welfare of the people—sagacity and good deeds will be told in remote villages many years after his name has ceased to be borne on the civil list of his province".<sup>16</sup>

There is also considerable protocol work that he has to do due to too many visits of the VIPs. There are frequent visits of the ministers but now it is customary that except during a first visit of the minister (or after the deputy commissioner has taken charge) the deputy commissioner entrusts this work to some magistrate. The Punjab Administrative Reforms Commission was of the view that the deputy commissioner should be relieved of a substantial part of his current protocol duties. In the interest of efficiency he should not be expected to get up at odd hours to receive VIPs. In a study of one district of Bombay 1959, the collectors complained about the time they had to spend on attending the VIPs; and the report said, "Details about such time spent are not available, but the complaint is so common that one cannot ignore it".<sup>17</sup>

<sup>15</sup>John P. Lewis : "Quiet Crisis in India", *Economic Development and American Policy* (Washington, 1962).

<sup>16</sup>The *Imperial Gazetteer*, pp. 49-52.

<sup>17</sup>*Report of the Re-organization of District Revenue Officers*, Government of Bombay (Bombay, 1959), p. 35.

He is mostly the president of the officers' club in all the districts and in some districts he is the *ex-officio* chairman. At the district level, many institutions require his goodwill and support. Not only he but his wife also if he is married is requested to inaugurate a fair, an exhibition, a tournament or to distribute prizes and give awards. In many cases he is *ex-officio* chairman of the managing committees of some of the educational institutions.

#### *D. Policy-making Role*

In the old good days, deputy commissioner had always to say something in the matters of administrative policy, except to the extent that it was specifically dictated by the Viceroy or the Secretary of State for India.<sup>18</sup> Deputy Commissioner guided the government on two issues, firstly, whether the proposed changes in law and policy would be acceptable to the people, and how public would react to it. Not this role is more and more performed by the legislators of the area. Secondly, was the new law enforceable? What developments or changes were necessary in the administrative machinery for enforcement of the new law or policy and what type of changes, should be brought about?

Deputy commissioner is continuously loaded with more and more powers. The legislation is too rapid and many laws are being passed in haste without caring for the administrative machinery for enforcing them. The elected elements, though vocal they are, more than need is, yet this democratic elements in the district or at lower levels has nothing to say about the changes needed for effective implementation. This work will have to be restored to the deputy commissioner. A very senior civil servant once remarked that what the country needed was not so much the separation of the judiciary from the executive

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<sup>18</sup>The importance of deputy commissioner as to how he acted as eyes and ears of the government is brought out by Penderal Moon who says, "A very Senior British official, told me that the deputy commissioner... ought to regard himself as British ambassador to the Sikhs. The practice of some of my predecessors had conformed to this conception. They had considered it their duty to keep themselves fully informed of the Sikh point of view on all important matters and to represent it to the government as cogently as possible. With many great issues looking ahead, it seemed very desirable that this tradition should be maintained". "*Divide and Quit*", 1961, p. 3.

as the separation of the legislative from the administration. Leaders can raise questions on the floor of the house, they can also voice the grievances of the public. Correct appreciation of these functions can only come through a long period of education and actual functioning.

The setting up of the panchayati raj institutions has taken away much of the decision-making from the deputy commissioners. For most of the matters the role of the district authorities is just advisory, helping to focus attention on uneven progress or bringing to notice failures and inefficiency.

The power to find fault without the power to set it right on the part of the district body on the one hand and the feeling of subordination to another without lessening the responsibility for getting things done on the part of the administration is likely to cause only frustration and friction.<sup>19</sup>

#### *E. Execution of General Policies*

He is, by and large, responsible for the execution of the general policies of the government. He is instrumental in creating necessary enthusiasm amongst the public for the important matters and ensuring public response. He often holds press conferences, etc., throwing light on the crime situation, flood control, security drives, etc. He also recommends political pensions to fighters of freedom. Persons for getting the President's award like Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri, etc., are to be recommended by him. Rewards for shooting the dangerous wild animals are made by him. Because of his influence and prestige, he helps to make great donations for various recreational, charitable and benevolent funds like Red Cross Society, Officers Club, Kavi Sammelan or Mushaira, etc.

He is also incharge of various social welfare schemes like:

1. Low and Middle Income Group Housing Schemes;
2. Housing Scheme for the Employees of Local Bodies;
3. Rural Works Programme;
4. Old Age Pension Scheme;

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<sup>19</sup>K.S.V. Raman, *op. cit.*, p. 23.

5. Applied Nutrition Programme;
6. Integrated Child Welfare Projects;
7. Red Cross, District Relief Society;
8. Applied Nutrition Programm; and
9. Social Security Schemes, etc.

From the maintenance of law and order and the collection of revenue, the major emphasis now has shifted to the development of human and material resources and the elimination of poverty and want.<sup>20</sup>

#### *F. Deputy Commissioner vis-a-vis Elected Representatives*

The elected representatives of the people in a parliamentary democracy are not only the law makers of the various bodies, they are also the custodians of the traditions of the society and concern themselves with all developments in the district administration. Most of them enjoy local eminence and possess experience of planning and rural development. Deputy commissioner comes in direct contact with them because most of them are associated with panchayati raj bodies and various other committees at the district level. Under these circumstances, the fear of injecting politics into local affairs cannot be completely ruled out. In a recent study it was brought out that, "Not quite one-fifth of both urban and rural samples had gone to party leaders for assistance. This is probably a higher proportion than in developed societies such as the United States in recent years. It suggests the potential role which the party might play in mobilizing citizen support, or in communicating public demands in India".<sup>21</sup>

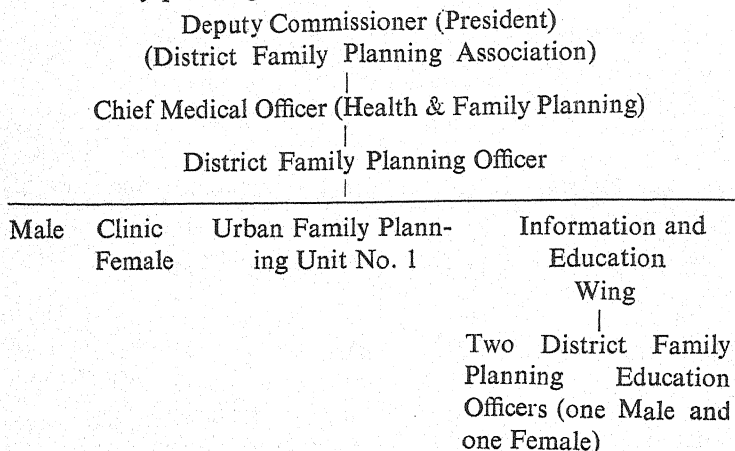
#### *G. Family Planning*

Considering the need and importance of the family planning drive, the deputy commissioners are made personally responsible to make this scheme successful. They organise and supervise the family planning camps in various parts of the cities and rural areas. They seek the help of government doctors,

<sup>20</sup>First Five Year Plan, 1952, Part II, Ch V., p. iii.

<sup>21</sup>Eldersveld, Jagannadham, Barnabas : *The Citizen and the Administrator in a Developing Democracy* (New Delhi, 1968), p. 34.

private practitioners and other voluntary and trained personnel. They mobilise public opinion in favour of it. The organisation of the family planning wing at the district level is as follows:



The Punjab State bagged four inter-state National Family Planning Awards, two for the year 1965-66 and two for the year 1966-67, overall National Award for the best state had also gone to the Punjab.<sup>22</sup>

#### *H. National Savings*

The National Savings Commissioner, Government of India, Nagpur, heads the National Savings Organisation and looks after the small savings work in the country. Under his direct control there are the regional directors, posted in various states. In the Punjab, Regional Director for National Saving is posted at Jullundur. Under him there are Assistant Directors and the district organisers. All these officers are under the direct control of National Savings Commissioner. The offices of the district organisers are generally located in the offices of the deputy commissioners but they observe holidays and timings which are applicable in case of central government offices. The Regional Director approves the tour programme of the district organisers and previously deputy commissioner only sent his opinion about the work of the district organisers, but it was

<sup>22</sup>*Punjab on the March*, issued by Director, Public Relations, Punjab, Chandigarh, October, 1967.



decided in 1964 that the latter should be under the effective control of the deputy commissioner.<sup>23</sup>

The deputy commissioner was formerly Chairman of the District Small Savings Advisory Committee but now Chairman, Zila Parishad has been assigned this charge. The state government fixes targets about collections for each district and the final responsibility of achieving them rests on deputy commissioner. Sometimes these targets are fixed just too ambitiously and there is hardly any scientific basis. It has dire consequences. Being afraid of the prestige and efficiency rating in the eyes of the deputy commissioner, most of the revenue staff working in the fields tries to compel people to invest more and more funds in the small savings scheme. Thus many times it is not the genuine small savers only whose small savings are thus channelled to productive investment. The middle class and rich persons, who are capable of earning higher returns on their capital, are often made to invest large funds under undue pressure from the revenue authorities thus putting them to loss.<sup>24</sup> He is assisted by one or two District Organisers (Small Savings) but the regular staff is also sometimes employed. The scheme has not made much headway because of the attitude of some of the clerks of the post offices who do not show enthusiasm and courtesy, and low rate of the interest as compared to that offered by banks. He calls for monthly progress reports and statements from post offices, banks, sub-treasuries and consolidates them to submit them to the government in relation to the target. He can also appoint the Honorary Organisers and regular agents.

### *I. Public Relations and Grievances*

The reaction of the people on the important policies of the government is conveyed to the deputy commissioner by the public relations officer. District public relations officer remains in touch with deputy commissioner. He attends the monthly meetings as well as arranges public meetings and gatherings for government functions for the celebration of some national functions. The deputy commissioner keeps liaison

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<sup>23</sup>*Proceedings of the Conference of Commissioners and Deputy Commissioners, 1964, p. 13. Item No. 1.13.*

<sup>24</sup>*Report on the Impact of the Changes in the District Administration since Independence on Kheda District, 1962, p. 129.*

with other departments for their publicity programmes through the public relations department.

The deputy commissioner of every district has fixed some time for interviews for the public. Generally they are available to the public from 11.00 a.m. to 12.00 noon every day. Whenever they are on tour, the interviews are granted by the public grievances officer. Before the interview is granted, the name of the person is entered in the register specially kept for this purpose, and later after the interview, the gist of the request made and the orders of the deputy commissioner are also maintained in the register. The speed with which public grievances are redressed lends efficiency to the administration and people have more confidence in the government. When a large number of people rush to the state headquarters with their petitions, it shows that they are not satisfied at the district level. A department of grievances was set up in 1965 which is headed by a director who is also *ex-officio* joint secretary to the government. This department helps to advise and assist the heads of departments and deputy commissioner in setting up arrangements for quick disposal of public grievances.

The Public Grievances Officers who are generally magistrates have been appointed in the districts. The room of the Public Grievances Officer is located near the office of the deputy commissioner and can be easily located. An assistant sits at the counter for giving routine information to the people as to where to apply for licences or permits or when to obtain forms, etc. The information which the people want is recorded on a slip and the complainant is asked to call again after 4 days. The information is collected on that slip from the concerned officers.

All the complaints received by the public grievances officer are forwarded to the concerned officer who calls for the files and gives his views to the deputy commissioner to pass final orders. If there is any justification in the complaint, the officer brings it to the notice of the deputy commissioner, after discussing the case with the district head if necessary. Generally such matters are discussed by the district heads with the deputy commissioner and if there is serious charge, he brings it to the notice of departmental superiors of that

particular district. Whenever there are complaints against gazetted officers they are submitted to the deputy commissioner for orders.

In the Punjab, the District Public Relations and Grievances Committee stands abolished.<sup>25</sup> Instead a District Vigilance Committee is constituted in each district with the following composition.<sup>26</sup>

Deputy Commissioner	Chairman
All MPs., MLAs., and MLCs. from the district	Members
President of the Municipal Committee	Member
Chairman of the Zila Parishad	Member
Representatives of each of the Political Parties in the district	Members
Secretary of the district Sailors, Soldiers' and Airmen's Board	Members

The function of this committee is to ensure that all grievances are properly looked into where non-official member is not satisfied with the result of an enquiry, the deputy commissioner may entrust the matter to the public grievances officer of the district and get it re-investigated in consultation with the member complaining.<sup>27</sup>

The meeting is held on the 5th of each month, except when it happens to be a holiday and a senior magistrate acts as public grievances officer. All district officers are required to spare an hour each day to go into the complaints of the people.<sup>28</sup> It may not be out of place to mention that as representative of the Government, he plays the *de facto*, it not *de jure*, role of the grievances man in the district in all sorts of situations.

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<sup>25</sup>Vide letter No. 500-DG-1967/8923-A letter from Chief Secretary to Government, Punjab, to all Heads of Departments, Deputy Commissioners, etc., dated May 3, 1967.

<sup>26</sup>*Ibid.*, para 1501, page 7.3. Only such parties will be allowed representations as have been recognised by the Election Commission, Deputy Commissioner will address the President of the district units of such parties and ask them to intimate the vigilance committee.

<sup>27</sup>*Ibid.*, para 15.1(ii).

<sup>28</sup>*Ibid.*, para 16.

TABLE SHOWING THE NUMBER OF COMPLAINTS RECEIVED AND DISPOSED BY THE DEPUTY COMMISSIONER  
IN THE PUNJAB DURING THE MONTH OF MARCH, 1968

District	Balance	Number of complaints received in the month of March		Total	Number of complaints disposed of		Total	Balance of current month
		February	March					
Ludhiana	313	667	273	980	345	618	362	
Kapurthala	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
Jullundur	205	164	92	369	73	160	209	
Bhatinda	94	197	74	291	183	257	34	
Hoshiarpur	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
Amritsar	503	1,535	—	2,038	—	1,539	499	
Rupar	209	193	—	402	—	222	105	
Sangur	121	381	—	502	—	335	167	
Patiala	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
Gurdaspur	626	186	..	812	211	211	601	
Ferozepore	292	660	130	952	562	692	260	

### J. Social Contacts

Some people have the feeling that the old fashioned British deputy commissioner had more personal contacts with the public. "It is easy to ridicule", remarks Tinker, "the almost Mughal style in which he moved, the elaborate camp, surrounded by entry into a village on horse back, surrounded by notables. But in 1850 or 1900 that was what the villager wanted. He was able to receive the hakim on his own native ground, he could speak to the great man face to face; he was able to make proposals or register grievances and expect an answer."<sup>29</sup> A deputy commissioner who is not known personally by all those who matter in the district cannot be considered as successful.<sup>30</sup> Contacts on the social plane necessarily involve a certain amount of private "hospitality" but due to high prices and other expenditure, the salary of the deputy commissioner in most of the cases does not permit the same. It has been recommended that some sumptuary allowance should be paid to the deputy commissioner and on this count "the expenditure will be insignificant and certainly worthwhile".<sup>31</sup>

The role of deputy commissioner at the district level can well be compared with the similar role of prefect in France. "Just get yourself born in France" the saying goes "and the prefect will do the rest". Prefect system is in vogue in Belgium, Denmark, Netherlands, Norway, Sweden and even in Luxemburg. Prefects are the agents of the Central government at the regional or district levels.

Prefect in France is an intermediary between the government and the population, between the politicians and the electorate. The predecessors of the prefects were the civil administrators of the provinces of France, the Intendants, the

<sup>29</sup>Hugh Tinker : "Authority and Community in Village India", *EROPA Review*, Vol. I, No. 1, pp. 24-25.

<sup>30</sup>Muneer Ahmed says : "He (deputy commissioner) is generally invited to be the patron or a member of informal private boards or committees devoted to the promotion of social and cultural matters". *The Civil Servant in Pakistan* (Oxford, 1964): p. 244.

<sup>31</sup>Report of the Administrative Reorganisation and Economy Committee, Government of Kerala (1965-67), p. 44.

latter office took shape under Louis XIII.<sup>32</sup> The prefects of the department were created by a law of the 28th Pluviose in the year VIII (February 17, 1800) by Napoleon. No qualifications are laid down in the law or orders regarding the prefect; but he must be a man of exceptional abilities and force of character and discretion. He is appointed by the President of the Republic on the recommendation of the Minister for the interior to whom he is responsible.

The prefect is accountable to the government and is held politically responsible for his acts. If he commits any civil or criminal offence he is tried in a civil or criminal court. His official decisions, ordinances, refusals to exercise powers can be challenged before the administrative courts. He is the official source of information concerning the department and other officers are bound to give him the information and assistance he requires. He directs all the administrative and technical services of the state, appoints many junior officials to their posts and is responsible for their discipline and conduct.<sup>33</sup> He is a link and sometimes the buffer between the central administration and the local area.<sup>34</sup> He serves as a listening post for the central government and reports on political trends.<sup>35</sup>

He has to ensure the internal and external security of the state by guarding against plots, outrages, espionage, etc. He is in charge of law and order and sees that all laws and ordinances concerning public health, public order, public security, public morality, etc., are obeyed. He is authorised to call upon the army for assistance, should the situation go beyond the capacity of the police. He supervises the inspection of food and enforces laws for the protection of wild life. He has authority to control rivers, lakes and canals, whether open to navigation or not. He controls and organises the fire services and civil defence and issues gun licenses, authorises public officials,

<sup>32</sup>For historical evolution refer Brian Chapman : *The Prefects and Provincial France* (London, 1955), Ch. I, pp. 11-14. Also Brian Chapman : *Profession of Government* (London, 1959), pp. 11-12. The name prefect was borrowed by Sie 'yes' from the old Roman official of that name. Napoleon who invented the prefect said, "I desire that Frenchmen shall date their happiness from the establishment of the prefects".

<sup>33</sup>Henry Morrison : *The French Constitution* (London), p. 63.

<sup>34</sup>G.M. Carter : *The Government of France* (Calcutta, 1954), p. 208.

<sup>35</sup>*Ibid.*

when necessary to break into private dwellings. He acts as the channel for the collection and transmission of information required by the ministries. He can issue ordinances having the effect of law but such ordinances must be on matters specifically covered by national statutes, for he has not been vested with blanket authority. He may issue orders in his capacity as an agent of the national government which are binding on the administrative services under his direction as well as the general public.

He supervises the administration of prisons and has the right to intervene in matters affecting the jurisdiction of the civil and criminal courts. He is the sole legal representative of the state in the department. All applications or proposals for the award of prizes and decorations must go through the hands of the prefect. Whenever the President of the Republic or a minister pays a visit to his city, it is his duty to make the necessary arrangements.

He has the right to take initiative in planning new policies and to recommend the Council to undertake new works. As the local agent of the government at Paris his main business is to support and spread the opinions and wishes of his masters, and to transmit to them all the information he gathers and the complaints he receives. He keeps watchful eye on the administration of the communes within his departments. The annual budgets of the communal councils have to be submitted to him for his approval. He controls the sub-prefects (who are appointed like himself, by the Minister of Interior) and the Mayors (who also are the agents of the state for many purposes). He must get votes for the supporters of his ministry in the chamber. In the field of local administration, he has the power to suspend Mayors for a month for grave breaches of conduct, to sanction communal budget and write into them obligatory expenditure if it has been omitted, and to approve or annul a Mayor's police ordinances.<sup>36</sup> After a *counseil municipal* has taken a decision on any subject, the resolution must be sent by the Mayor to the prefect within a week.<sup>37</sup> He has the right to be present and to

<sup>36</sup>Brian Chapman : *Introduction to French Local Government*, op. cit., p. 104.

<sup>37</sup>*Ibid.*, p. 35.

speak at council meeting.<sup>38</sup> "If he acts rapidly and with decision to overcome a crisis, the extent of his personal effort is unknown to the public which, lacking precise knowledge, prefers to imagine that he has called his hidden powers into play; the ear of powerful politicians, secret service funds and inside information of the most confidential kind. He is credited with these mysterious powers when in reality he is using his personal qualities and his experience of men and things."<sup>39</sup>

The prefectorial institution is an instrument of coordination, order and government of which no one wishes to deprive him. But it is not tolerated easily, there is not a journalist, not a single deputy, who openly maintains that heads of institutions should be appointed by the prefect. Some times the claims of members of Parliament appear to be inspired by selfish interests and contrary to the common weal. Unfortunately a change of ministry is generally followed by a rearrangement of prefects, while a complete change of policy is accompanied by an absolute massacre of them. Placed between universal suffrage, which rarely rules, and the central power which wishes to govern, "he is between the anvil and the hammer".

Of late, too many prefects have overplayed their parts and have lost the confidence, if not of the Ministry of the Interior, at all events of other ministries having more or less to do with the administration of affairs throughout the country. Instead of subjecting themselves to the red tape incurred in handling educational, public health, and other matters via the prefect's office, now the tendency is to by-pass that office altogether and communicate directly with their field agents, e.g., Ministry of Posts and Telegraphs and Telephone has established 17 regional organisations of its own. The Ministries of War, Education and Public Works are also conducting their field operations on other than departmental lines. There is no danger, however, of the prefect being left high and dry, the will always have plenty to do. But somethings have been slipping out of his hand. Brian Chapman says, "As in Napoleon's day, the prefects remain one of the most favoured bodies of the French

<sup>38</sup>Dorothy Pickles : *Fifth French Republic* (London, 1962), p. 134.

<sup>39</sup>Brian Chapman : *The Prefects and Provincial France, op. cit.*, p. 232.



Administration, but they pay for it by the strain under which they live.”<sup>40</sup>

Thus we see that prefects and the deputy commissioners perform similar duties. *Both are area administrators, the deputy commissioner is incharge of the district and the prefect is incharge of the department. They have emphasised through their historic traditions, the worth of a generalist administrator not only to coordinate the activities of different specialists and technical man but to bring about a sense of participation and realism. These institutions have survived political convulsions that the respective countries had to face. Contrary to the predictions of the prophets of doom, the office of either of them has not withered away.*

#### K. Role in Agriculture

India is passing through an era of agricultural revolution. In a broadcast to the nation, Shri Lal Bahadur Shastri, the late Prime Minister, wanted a new role to be assigned to the deputy commissioner: “The entire team in the district has to work with a sense of dedication in the same manner as a soldier on the battle front. The district officer should regard himself in all humility as a commander who has to organise this drive and achieve the target which must be clearly laid down. He should delegate all this routine work to some other senior officer of the district administration, *reserving his own attention and energies almost exclusively for work connected with agricultural production*”.<sup>41</sup> In 1965, role of the collector in the field of agriculture in the district was discussed<sup>42</sup> and it was felt that it could be secured in two ways either by making the collector as the chairman of the Zila Parishad or by making him a member of the Zila Parishad and chairman of the standing committees. The states where the chief executive officer or administrator occupies the status of a collector, the divisional commissioner can do the work of coordination, inspection and supervision.

<sup>40</sup>Brian Chapman : *The Prefects and Provincial France*, op. cit., p. 232.

<sup>41</sup>*The Hindustan Times*, New Delhi, October 11, 1965. Emphasis added.

<sup>42</sup>*Annual Conference on Community Development and Panchyati Raj and Conference of State Ministers of Community Development and Panchayati Raj at Srinagar*, July, 1965, Ministry of Community Development and Co-operation, New Delhi, p. 17.

The position of the collector varies from state to state, *e.g.*, he is the chairman of the Zila Parishad in Tamil Nadu and Mysore, he is a member of the Zila Parishad and Chairman of all standing committees in Andhra Pradesh, he is a member of the Zila Parishad in Rajasthan, Orissa and the Punjab. In Gujarat and Maharashtra he is completely out of the show but can take part in the deliberations.

Increasing agricultural production to meet the enormous requirements of food of our fast growing population is a stupendous task. Agricultural production takes place in the fields of over 70 million farmers scattered all over the country. The development of agriculture involves the creation of a 'will to develop' among the farmers and adoption of means calculated to bring about a progressive improvement in their incentive, skill and efficiency. The majority of the farmers are illiterate and follow traditional ways of farming and the major administrative difficulties experienced by them are :

1. Problem of administrative coordination in the working of several departments concerned with agricultural production leading to dual control over the field extension agency.

2. Inadequacy of extension personnel resulting in unmanageable area of operation and ineffective contact with farmers.

3. Inability to back extension efforts with adequate and timely supply of inputs.

Consequent upon the five year plans, one noticeable impact on the agricultural administration has been the inception of community development programmes and the panchayati raj. The former aimed at solving the development programmes of the rural people and provided an administrative set-up at the block level as a unit of administration and planning, the latter provided an institutional backing for democratic decentralisation. These programmes, however, have not come up to our entire expectation. One appears to have lacked the impulse and popular support, the other has encouraged some political intrusion in the field.

A working group on inter-departmental and institutional co-ordination for agricultural production under the chairmanship

of Dr. Ram Subhag Singh, the former Union Minister for Agriculture, was set up on the recommendation of the Conference of the State Ministers for Agriculture and community Development in August, 1963. The report highlighted the existing lacunae in the administrative set-up, and pleaded for a dramatic and significant increase in agricultural production.

Among the important recommendations of the committee were: (a) the merger at the secretariat level of the state departments concerned with agriculture and other sectors of rural development under a senior officer to be designated as agricultural production commissioner, (b) constitution of agricultural production committees of Zila Parishads with the collector as chariman and the district officers of the departments concerned and representatives of non-official organisations as members, (c) establishment of block level agricultural production committees of the Panchayat Samitis, consisting of elected representatives of the Samitis and the appropriate extension officers, and (d) the setting up of similar village agricultural production committees at the panchayat level giving representation to the village panchayat, the village cooperative society and progressive farmers.<sup>43</sup>

The fourth Five Year Plan also has given top priority to agriculture. In 1964, the state government evolved the following pattern for achieving this aim :

At the headquarters level, commissioner, agricultural production and rural development is responsible for the departments not only of development and panchayats but works through the secretaries of agriculture and allied subjects and cooperation. At the regional, district and sub-division level, the commissioners, deputy commissioners and sub-divisional officers perform the following set of duties :

1. At the divisional level the commissioners inspect and assess the progress and plans of each district under their control and guidance, encourage and assist deputy commissioners in this work. It is their duty to inform the government from time

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<sup>43</sup>*Report of the Working Group on Inter-Departmental and Institutional Coordination for Agricultural Production*, Ministry of Food and Agriculture, (New Delhi, 1965), pp. 6-7.

to time any shortcomings or weak links in performance or policy of agricultural administration. He is also required to give suggestions for improvement.

2. The deputy commissioners perform similar functions in regard to their districts and in addition associate themselves intimately with the implementation and execution of agricultural development plans for the district.

3. In the sub-division, the sub-divisional officers (civil) perform under the guidance of the deputy commissioner identical responsibility for their sub-divisions. In view of the smaller area, they supervise and the possibility of having intimate contact with the people is great. The government expects large interest and contribution from them. The government was very keen that the sub-divisional officer should devote more time to development work. In 1964, he was asked to reduce the quantum of criminal work.

4. The panchayati raj organisations have been asked to lead and direct the production plans and to give cooperation to the official hierarch. The experience of the last few years is that the panchayati raj has generally failed to deliver the goods, because they are slow-moving at their own pace. The acute food shortage has compelled us to choose an agency what yields results more expeditiously for the sake of nation's survival. As far back as 1960, the government passed the orders that the deputy commissioners and the sub-divisional officers must attend and participate in all meetings of Zila Parishad and Panchayat Samitis respectively so that they could be able to offer the necessary advice and guidance to these bodies.<sup>44</sup>

In the Punjab, the Zila Parishads have also set up agricultural production committees. The deputy commissioner is the Chairman of the committee and he is helped by the chairman of the Zila Parishad who acts as the vice-chairman of the production committee. The total strength of the committee is not to exceed forty. The secretary of the committee is the district development and panchayat officer. Previously district development committee used to function but with the

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<sup>44</sup>*Proceedings of the Conference of Commissioners and Deputy Commissioners, 1964.*

setting up of new committees they have been abolished. The deputy commissioner has been authorised to consult the new committee on matters which may not be purely relating to agriculture.

The district officers of the departments concerned with agricultural production are individually responsible for implementing programmes of their respective departments. The secretary of the production committee helps to coordinate the efforts of the department at the district level. For all purposes he works under the guidance of deputy commissioner, and strictly in terms of the decisions of the committee. The agriculture department is represented in the district by a district agriculture officer who belongs to Class II of the state agriculture service and has many inspectors under him including the extension officers (agriculture) at the block level—the latter being under the administrative control of the block development and panchayat officer/block samiti chairman and the technical control of the district agriculture officer. The district agriculture officer records his comments regarding the performance of block development and panchayat officers in their annual confidential reports before passing it on to the deputy commissioner. The cooperative department is represented in the district by an assistant registrar, cooperative societies who is expected to control and supervise the cooperative institutions in his area. The other departments also deal with agricultural production and the state heads of departments continue to deal directly with their officers at the district level but whenever they have to address them any communication relating to the working of agricultural production committee, they communicate to them through the deputy commissioner.

In every district there is district agricultural production committee. The 21-member district agricultural production committee at Ludhiana (the only district of the Punjab which has fallen under I.A.D.P.) was set up on February 2, 1964, under the chairmanship of the deputy commissioner, Ludhiana.

At the sub-division level, each Samiti has set up a standing committee for agricultural production, animal husbandry,

etc., under the chairmanship of the samiti chief. Sub-divisional Officer (civil) is the member of this committee and block development and panchayat officer, the secretary. Agricultural production committees at the block level with block development officer as secretary have been set up almost in every state. Andhra Pradesh, Assam, Bihar, Gujarat, Maharashtra, Orissa, the Punjab, Rajasthan were the first to execute the scheme. Block Development Officer is the head of the field extension agency in the block. The deputy commissioner can delegate some of the work not pertaining to agriculture to the social education and panchayat officer. The extension officers working at the block level are under the administrative control of the block development and panchayat officer and district level officers of the technical departments also regulate disciplinary matters for their field staff.

At the village level, the village agricultural production committee has sarpanch as its chairman and village level worker, its secretary. The agricultural production committee at the district level prepares the district plan and coordinates various activities.

The meetings of the agricultural production committees are held every month, the agenda is circulated in advance and when the plan is approved for the district, it is communicated to the respective head of the department in the district for making necessary adjustments keeping in view the overall financial allocations.

The following is the list of all departments along with their activities dealing with agriculture (which the deputy commissioner is supposed to co-ordinate) at the district level along with their functions.

<i>S. No.</i>	<i>Name of the Department</i>	<i>Activities</i>
1.	Agriculture	<p>(a) Use of improved agricultural techniques</p> <p>(b) Manures and fertilizers</p> <p>(c) Development of fruits and vegetables</p>

S. No. Name of the Department	Activities
	<ul style="list-style-type: none"> <li>(d) Intensive cultivation programme</li> <li>(e) Research and education in agriculture</li> <li>(f) Distribution of seeds</li> <li>(g) Equipments for plant protection</li> </ul>
2. Electricity	Rural Electrification
3. Revenue	<ul style="list-style-type: none"> <li>(a) Consolidation of Holdings</li> <li>(b) Land Reclamation</li> <li>(c) Maintenance of Land Records</li> <li>(d) Distribution of Taccavi and other loans, etc.</li> </ul>
4. Irrigation	<ul style="list-style-type: none"> <li>(a) Minor irrigation schemes for installation of tube wells pumping sets</li> <li>(b) Soil conservation</li> <li>(c) Water logged and other waste lands</li> <li>(d) Flood control, drainage and anti-water logging schemes</li> </ul>
5. Development	All development work
6. Panchayats	<ul style="list-style-type: none"> <li>(a) Administration of local panchayats and helping them in developing land</li> <li>(b) Supplementing the financial resources</li> <li>(c) Training of Panchas, etc.</li> </ul>
7. Cooperation	<ul style="list-style-type: none"> <li>(a) Agricultural Credit Societies</li> <li>(b) State Land Mortgage Banks</li> <li>(c) Marketing and Processing Corporations</li> <li>(d) Storage and warehousing</li> </ul>

S. No.	Name of the Department	Activities
8.	Forests	(a) Soil Conservation Schemes (b) Relief from floods (c) Development of pastures (d) Wind breakers in desert areas
9.	Animal Husbandry	(a) Livestock breeding (b) Catching of wild and stray cattle (c) Disease Control (d) Sheep breeding (e) Dairy and milk supply (f) Education and research

#### *Coordination with Irrigation Department*

The executive engineer (irrigation) is directly concerned with the irrigation and supply of regular water to the farmer. At the district level, because the executive engineer is the member of the district agriculture committee deputy commissioner discusses all problems of irrigation with him. Under the Northern India Canal and Drainage Act, 1873, the deputy commissioner has to perform the following functions :

1. He may award compensation for stoppage of diminution of supply of water through any natural channel to any defined artificial channel, whether above or underground, or to any work erected for purposes of profit on any channel, whether natural or artificial, or, damage done in respect of any right to a water course, etc.<sup>45</sup>

2. He has been authorised to recover dues from persons with whom the divisional canal officer or the collector enter into agreement for recovery of dues payable to the third party.<sup>46</sup>

3. He determines objections to the notice issued by the Divisional Canal Officer for the construction of a water course. If the Controller and the Divisional Canal Officer agree the

<sup>45</sup>Northern India Canal and Drainage Act, 1873, Sec. 8

<sup>46</sup>*Ibid.*, Sec. 16



matter is settled otherwise it is referred to the commissioner for decision.<sup>47</sup>

4. He may require the lambardar, or the person who is to pay the land revenue of any estate, to collect and pay any sums payable by a third party, in respect of any land or water in such estate.<sup>48</sup>

There is no chance of any conflict between the executive engineer, divisional canal officer or the deputy commissioner because all of them are performing complimentary functions.

Under the Punjab Minor irrigation Canal Act, 1965, the collector/deputy commissioner has been invested with the following powers :

1. When the collector considers that the construction of a canal will be useful, he has the power to order such construction from notified source of supply.<sup>49</sup> He has also the power to prohibit the unauthorised construction and to close unauthorised canal.<sup>50</sup>

2. He can exercise all powers of control management, and direction for the efficient maintenance and working of canals constructed under the orders.<sup>51</sup>

3. He has the power to enter and survey any land adjacent to any canal, power to clear land, power to regulate and inspect water supply, power to pay compensation for damage caused by entry, etc.<sup>52</sup>

4. Any person desiring that an existing water course should be transferred from the present owner or site, has to apply for transfer of existing water course to the deputy commissioner. He also makes inquiry into and determination of, objection to construction or transfer of water courses, etc.<sup>53</sup>

5. He has the power to convert several water courses

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<sup>47</sup>Northern India Canal and Drainage Act, 1073, Secs. 26, 27.

<sup>48</sup>*Ibid.*, Sec. 47

<sup>49</sup>Punjab Minor Irrigation Canal Act, 1905, Sec. 6.

<sup>50</sup>*Ibid.*, Sec 7.

<sup>51</sup>*Ibid.*, Sec. 10

<sup>52</sup>*Ibid.*, Sec. 5

<sup>53</sup>*Ibid.*, Sec. 19.

running for a long distance side by side into one water course, the power to prepare record for canal.<sup>54</sup>

6. He has the power in certain cases to declare or appoint a manager of a canal, settlement of disputes, inquiry into claims, power to remove obstruction after publication of notification, and payment of compensation.<sup>55</sup>

7. He has the power to take possession and to construct works in cases of emergency.<sup>56</sup>

Cooperative societies have taken up the distribution of fertilizers, cement, seeds, pesticides, pumping sets, etc., and the position regarding the supply of these items is reviewed in the monthly meetings of the agricultural production committees. Some of the things which are needed for intensive agriculture like pumping sets, engines, tractors, etc., are available in the open markets also. The activities of the cooperative department are inter-linked with public works department, irrigation, district food and supply and especially the agriculture department. In the existing set-up, the necessary coordination between the department and the Zila Parishad is achieved through the deputy commissioner. This coordination is generally affected through monthly meetings held at district level, where solutions to the problems concerning inter-departmental matters are solved through mutual discussions in the presence of the deputy commissioner.

### *Distribution of Loans for Agricultural Production*

Deputy commissioner has powers to distribute loans under Land improvement Act, 1884, etc. These are also advanced as a part of the community development budget for the purchase of tractors and for meeting other needs of the cultivators. The cultivator has first to apply to the Panchayat Samiti which in turn if it likes, recommends to chairman of the Zila Parishad who records his recommendation and passes on the application to the deputy commissioner, for final sanctioning. Deputy commissioner is also the disbursing authority for these loans.

<sup>54</sup>Punjab Minor Irrigation Canal Act, 1905, Secs. 23 and 28.

<sup>55</sup>*Ibid.*, secs. 34, 43 and 47.

<sup>56</sup>*Ibid.*, Sec. 54.

*Coordination*

Addressing the National Development Council on October 27, 1964, the Prime Minister, Shri Lal Bahadur Shastri said, "All too often we think of these things at the national level and state level, while there is neglect and even confusion at the village level. The farmer has now to deal separately with representatives of different government agencies, each owing allegiance to a department of ministry at the headquarters of the state or central government. The coordinating role which the district officer used to play in the past has been lost. I would suggest to all the chief ministers present here today that they should restore to the district officer, whether he is known as the collector or deputy commissioner, the status of a coordinator of all government activities in the district and confer upon him the responsibility for guiding all the efforts undertaken on behalf of the government, central or state".

The deputy commissioner usually concerns himself up to the district level and the departmental officers are directly responsible for the proper execution. All of them work under his overall authority and he looks after the progress and proper implementation for which a quarterly review is held under the chairmanship of the deputy commissioner in which all the departmental officers participate.

In the Punjab, the district development and panchayat officer performs the duties of the deputy commissioner at the district level and sub-divisional level (civil) at the sub-divisional level. In Ludhiana, the pilot project officer of the agriculture department assists him. A pilot survey in the Ludhiana district revealed that there is the lack of personal touch and contact between the officials at the district level and the public, and between the officials of the various departments engaged in promoting and increasing the agricultural production. When district officials were communicating among themselves, they used writing nearly half the time (48%) and personal talk only one fifth of the time.<sup>57</sup>

For all the officers working at the district level, the deputy

<sup>57</sup>Donald C. Pelz : *A Pilot Survey in one district each of Rajasthan, Punjab and Uttar Pradesh for the study of "Coordination Communication and Initiative in Agricultural Development"*, (New Delhi, 1966), p. 2.

commissioner gives his comments on the confidential reports only with regard to (a) honesty of the officer, (b) general behaviour, and (c) power and intention to cooperate with others. As regards the technical competence and intelligence, it is to be judged by the immediate departmental superior in their respective departments. Therefore, it is generally seen that the officers at the district level owe greater allegiance to departmental bosses rather than to the deputy commissioner.

### *Appointment of Administrative Officers*

In order to give some relief to the technical officers of the development departments of agriculture, cooperatives and animal husbandry at the district level and to save them from the botheration of keeping accounts and drawing and disbursing funds, in some of the districts,<sup>58</sup> administrative officers were appointed in 1965. They worked independently of the technical officers. They had a status of a head of office at the district level. Following adjustments were provided:

1. While making selection for appointments, the concerned district level officer sat with administrative officer.

2. Whenever the leave, etc., was to be sanctioned for the field staff, the remarks of the technical head, *i.e.*, officer were always taken.

3. In more important matters, the approval of the technical head was to be taken.

4. The transfer of field officials or other ministerial staff attached to the field officials is made by the administrative officers only after getting orders from the respective district level officer.

This scheme has been appreciated due to the following reasons:

1. It has given a liaison with the deputy commissioner and he is readily available if the latter so desires.

2. Most of the district level officers remain on tour in connection with field work.

3. He can dispose of non-technical work.

<sup>58</sup>Before reorganisation administrative officers were appointed in Patiala, Ambala, Jullundur, Gurdaspur, Ferozepur, Hoshiarpur, Bhatinda, Hissar and Karnal.

4. He can attend to queries of the government or non-technical matters.

5. In all correspondence with the Accountant General, he can save some time. It helps in cutting the delay.

6. The control on the field staff is more effective and the discipline may improve. This system has worked well where there is complete coordination between the administrative officer and other district level officers. But where the things are not so well off, officers criticise the scheme on the following grounds :

- (a) It is the usurpation of powers of the district level officers by the administrative officer.
- (b) Most of the work of these departments is technical. Anybody who is not conversant with the working in the field cannot do full justice while working in the office.
- (c) Sometimes there is delay in administrative matters.
- (d) Many decisions, technical or otherwise, are to be taken on the spot.
- (e) He is not on the strength of any one department and is, therefore, not answerable to any head of the department.
- (f) Being an outsider, he is not loyal to the prestige of the department.
- (g) In some matters it is duplication of efforts and expenditure because being non-technical, the technical head has to guide him even in minor details.

#### *Four-fold Role of the Deputy Commissioner*

In order to see the working of administration at the district level with special reference to agriculture the discussion has been divided into four sub-heads.

##### *1. Adequacy of supervision*

It would be best to concentrate on three aspects under it:

- (a) Supervision of supplies;
- (b) Supervision of technical services; and
- (c) Supervision over utilisation of grants and loans.

As far as the supervision of supplies is concerned, the district agricultural officer guides, supervises and coordinates the various agricultural programmes. In some of the states where there are more blocks in a district, additional district agricultural officers are also working.

There is a general feeling that the district level officers, block development officers and extension officers have not been given the desired technical guidance and supervision to the programme in the field. At an Annual Conference on Community Development and Panchayati Raj, it was recommended that the deputy commissioner should as far as possible inspect every block in detail at least once a year. If the number of blocks in the district is large, the work can be entrusted to additional District Magistrate/District Panchayat Officer.<sup>59</sup>

As regards loans advanced to farmers through government and cooperative channels for various productive purposes, to ensure cent per cent inspection of the proper utilisation, the primary inspection in the block is of the block development officer. At the supervisory level, besides the sub-divisional officer (civil) and the deputy commissioner, other officers may be required to inspect a prescribed percentage of the works. The deputy commissioner takes the annual review of the utilisation of loans and grants. He also sends the annual report to the government containing the proper utilisation of loans based on these inspections. He has powers to order suspension of taccavi loans up to a limit of Rs. 5,000 for a single tahsil, or a total of Rs. 10,000 for the whole district, in any one harvest, provided the amount involved at a time in any individual case does not exceed Rs. 1,000.<sup>60</sup> He may further exercise unlimited powers in areas under fixed assessment in those cases in which suspension of land revenue involves suspension of taccavi loans.<sup>61</sup> If he feels that further suspension is necessary, he has to forward his proposals to the commissioner of the division who has unlimited powers in this respect.

<sup>59</sup>*Recommendation of the Annual Conference on Community Development and Panchayati Raj (on Agricultural Production)*, Government of India, Ministry of Community Development and Cooperation, (New Delhi, 1963), p. 16.

<sup>60</sup>*The Agriculturists Loans Manual*, Part VII, para 1.

<sup>61</sup>*Ibid.*, para 2.

## 2. *Responsibility in Respect of Targets of Agricultural Production and Formulation of Programmes*

The district agricultural officer is provided with an automobile primarily to tour the interior and to boost the morale of the farmers. The overall responsibility for coordination of all agricultural programmes involving various district level officers and achieving the plan targets is that of the deputy commissioner. District development and panchayat officer coordinates in implementing the policies as regards the agricultural production programme.

## 3. *Responsibility for Planning of Operational Programmes*

A comprehensive and detailed programme is drawn out by all district level officers concerned with agricultural programme. It includes fixation of physical targets in terms of potentialities keeping in view the targets given by the state and a clear identification of arrears for various programmes. Smooth and efficient functioning of the supply line is of paramount importance to the campaign for increasing food production. Deputy commissioner is the final authority for deciding, so far as his jurisdiction is concerned, questions relating to the number of depots for supply of fertilizers and improved seeds, the quantity of fertilizers to be stocked by marketing or service cooperative societies and other similar matters.

## 4. *Criteria for Assessment of Work of Officials*

Annual assessment of the work of the district level officers concerned should, primarily, be done on the basis of performance. In Rajasthan, the power to transfer extension officers is with the collector. The annual assessment of the work of block development officers is mainly done in terms of their performance in the implementation of the programmes laid down. Before 1964, the powers to inflict minor punishments (up to the stoppage of one increment without cumulative effect) on the block staff vested only in the Panchayat Samiti. The major punishments could only be imposed by the state government. But now all such powers except those of dismissal and removal from service have been delegated to the deputy commissioner. Powers in respect of minor punishments are also conferred on

the deputy commissioner concurrently with the Panchayat Samitis.<sup>62</sup>

### *Assessment*

Some people have started advocating that the work of agricultural production be taken away from panchayats and the entire agricultural administrative machinery at the district level be placed under the control of deputy director of agriculture, who can get work from three agencies—agriculture, development, extension and cooperation. He can work under the control, guidance and direction of the deputy commissioner. The deputy director of agriculture may function as the secretary to the functional committee of the Zila Parishad for food production. He will draw up district programmes and later implement the programmes through the technical experts under him. The development programme will be directly administered by the technical officers. The deputy director of agriculture will coordinate their respective functions.

Those who want to give the control of agriculture to the technical experts only say that deputy commissioners do not have adequate knowledge in departments of the agriculture, industrial, transport, power, irrigation and other functions. The specialists assert that the responsibility for making policy should be with those who not only know the job but who do the job.

Deputy commissioner, they say, is a generalist who at best has only a workable knowledge for a job requiring supervision, control, coordination and decision-making. His main task is to knit together all loose ends in the organisation and always to view the administrative matters in their broader perspective.

The frequent transfers of deputy commissioners result in many cases in breaking the continuity of sustained interest in a particular field of activity. By the time he learns the job, he is transferred to some other post, which results in the specialists of the department spending about an hour or so in educating the new incumbent so that he may understand the problems of the department. This obviously leads not only to a waste of time but also to waste of energy.

<sup>62</sup>*Proceedings of the Conference of Commissioners and Deputy Commissioners at Simla, 1964, p. 46.*



It is also claimed that government would become less bureaucratic, more programme-oriented and committed and better suited to create a congenial atmosphere. Also the experts understand each other better because they speak in a common language and know each other's difficulties sufficiently well to appreciate and understand each other's problems.

Those who favour the continuance of deputy commissioner as coordinator say that the technical man is a man who consciously or sub-consciously is trying to compensate for a lack of intellectual breath and depth by only acquiring a detailed knowledge of a narrow field. So long as the problem relates exclusively to his field this sort of expert is invaluable but our problems these days are too broad-based and complex to be dealt with in such a manner. "Administration is synthesisation of different specialities serving the special needs of the citizens of a country in the context of an ever-changing conception and content of public interest." The task of the generalist is to coordinate the divergent points of view and put it in such a manner that an overall general view emerges in the shape of policy.

The main points in keeping the deputy commissioner in charge of all the technical departments including agriculture are the following:

1. Administration is politics in action. The greatest role or efficiency of the administrator lies in the fact that he coordinates, filters and ultimately crystallises the divergent points of view and gives an overall general view.

2. Top management job requires a general understanding and requires a view not of the parts but of the whole. It asks for detachment, patience and capacity to take a long and objective view of cases.

3. If technical experts like agricultural officers are involved in administration they are going to lose touch with their subjects.

4. The greater the specialisation, the more is the need for generalisation to put technical knowledge in a form which would facilitate the formulation of policies.

5. Most of the technical experts usually employ difficult and highly technical language to convey their ideas.

6. Deputy commissioner, as a generalist, brings to bear on the job an intelligence of a vast variety of knowledge with a capacity to articulate them in some meaningful terms.

7. The charge that the generalists are prisoners of rules, regulations and precedents is untenable because whenever specialists are at the top they also equally suffer from the same maladies.

Till late 1966, the department of agriculture was having a very poor status (B class) whereas the departments like irrigation, police, education enjoyed 'A' class status. The headquarters office is highly inadequate to cope with the expanded programmes and tempo of work. The farmers feel that the role of the deputy commissioner is quite impressive but due to the rules and regulations under which he has to work, many of the problems arise.<sup>63</sup> According to one farmer, it is the three books that stand between India and progress, *i.e.*, fundamental rules, the financial and accounts codes. The changes are coming very rapidly and the administrator has to "act as a pump rather than a bottleneck in the scientific transformation".

The average tenure of a deputy commissioner is not much, so the results expected of him should not be ambitious. How much can a part-time generalist (who typically lacks a technical background in agriculture) contribute in terms of leadership and guidance. Due to overwork he cannot exercise timely supervision, and he is at the same time generally ill-equipped to exercise well-informed supervision over the programme. He has a special responsibility in regard to agricultural production, in the same way as revenue collection is his special responsibility.<sup>64</sup>

The National Institute of Community Development has been set up to impart training to the personnel. There has been a gradual decline in the total number of participants from the states. No development commissioner from the Punjab

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<sup>63</sup>When he was leaving India, Lord Curzon enumerated the principles by which he had been guided, "The Indian poor, the Indian peasant, the patient, humble, silent millions, the 80 per cent who subsist by agriculture, who know very little of politics, but who profit or suffer by their results, and whom men's eyes, even the eyes of their results, and whom men's eyes, even the eyes of their countrymen too often forget."

<sup>64</sup>*Report of the Administrative Reorganisation and Economy Committee (1965-67)*, Government of Kerala, p. 37.

has ever found time for any orientation course. Participation by the commissioner has always been and still remains an extremely rare event. The deputy commissioners are key officials directly and most intimately connected with the development administration. A collector for instance, from Tamil Nadu has never figured in the course, while only few collectors from Assam and Madhya Pradesh have taken part. There has also been a sharp decline in the number of collectors deputed from the Punjab, West Bengal and Uttar Pradesh.<sup>65</sup>

The Union Minister for Food and Agriculture was very much impressed by the performance of I.A.D.P. programme at Ludhiana because it had returned the best performance in the country. It had been possible, according to him, because of a very effective coordination of the deputy commissioner and other authorities engaged in the agricultural production.<sup>66</sup> Enough of enthusiasm has been created in the minds of the farmers. Wherever one goes, there is demand for fertilizers, better irrigational facilities, electricity for tube wells and for good seeds. The enthusiasm which has been created has now posed a challenge of no small magnitude to the planner and administrators particularly the deputy commissioner. As someone humorously said, "Now the ball is in the court of the deputy commissioner."

Before the panchayati raj was introduced in the state, the responsibility for increasing the agricultural production vested entirely in the state government through the agency of deputy commissioners/tahsildars and community development blocks. After the new set-up was introduced the responsibility was transferred to a very large extent to Zila Parishads and Panchayat Samitis which emerged at the district and block levels. This change gave a slight relief to the deputy commissioner but he along with sub-divisional officer (civil) was reduced to anullity.<sup>67</sup>

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<sup>65</sup>*Annual Conference on Community Development and Panchayati Raj and the Conference of State Ministers on Community Development and Panchayati Raj at New Delhi*, 1964. Main recommendations, Proceedings and Agenda, Notes, p. 224.

<sup>66</sup>Inaugural address of the Union Minister for Food and Agriculture in the General Conference of Key Personnel connected with the implementation of the I.A.D.P. on October 7, 1964.

<sup>67</sup>Both these officers are only *ex-officio* members of the panchayati raj bodies without right to vote.

After the new arrangements had hardly settled down, two years later, Ram Subhag Singh Committee submitted its report on Inter-Departmental and Institutional Coordination for Agricultural Production. The state government accepted the findings of the committee and attempted to rehabilitate the position of the deputy commissioner for agricultural production. Agricultural Production committees were created at the district level and block level, where deputy commissioner was made the chairman and the chairman of the Zila Parishad the vice-chairman. At the block level each Samiti set up a standing committee for agricultural production, animal husbandry, etc., and the chairman of the Samiti as the chairman of this committee. The sub-divisional officer (civil) is a member and the block development and panchayat officer the member-secretary of this committee.

## CHAPTER IX

### MISCELLANEOUS DUTIES

Functions of the deputy commissioner have been discussed in earlier pages but apart from these he performs certain duties of miscellaneous nature to which a brief mention would not be out of place.

#### *Undefined Executive Functions*

Undefined executive function is "that compendium of management of public affairs in accordance with the constitution, in accordance with the laws, in accordance with the policies of the government, that residuary compendium of public affairs not specifically provided for by particular provisions of law".<sup>1</sup> Deputy Commissioner has to perform a number of functions which fall outside the written law or the instructions. The sphere of state activity is increasing day by day so that problems are also becoming more and more complex. He performs these functions because of being the overall agent and representative of the state government in the district. People flock to him for redress of their grievances even though the functions are not under his direct control.<sup>2</sup> Whenever there is new venture of calamity, deputy commissioner is first to take note of it and rather later it is defined. He has to deal with all sorts of unforeseen contingencies and calamities. He may, with the sanction of the union government, purchase, accept a gift or take on a lease, any monument which has been declared protected by the union government. He may also enter into an agreement with such party for the preservation of the monument.<sup>3</sup>

#### *Acting as a Guardian in Wards Act*

The management of the Court of Ward's Estates is another important duty of the deputy commissioner. He can hold

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<sup>1</sup>S.S. Khera : *District Administration in India* (Bombay, 1964), p. 26.

<sup>2</sup>K.L. Punjabi (Ed.) : *The Civil Servant in India* (Bombay, 1965), p. ix.

<sup>3</sup>India Ancient Monuments Preservation Act, 1904.

enquiry in order to satisfy himself as to whether a particular person is incapable of managing his affairs.<sup>4</sup> He has the powers of superintendence and control as also the management of legal affairs of wards and properties.<sup>5</sup> He is empowered to appoint a manager for the proper management and care of that property. He can order the incurring of any expenditure as he thinks would be necessary for the care and management of the persons and properties under his charge. He also sanctions the giving of leases or farms of the property, directs the mortgage and does other acts which he thinks to be proper for the benefit of the property and the advantage of the disqualified owners. He can appoint, one or more managers or guardians for the care of the property.

*As Additional Settlement Commissioner*

He notifies properties termed as evacuee and holds enquiries under the Evacuee Property Act, 1954.<sup>6</sup> He issues orders confirming or rejecting transactions in evacuee property. He keeps overall control and supervision on the Assistant Custodians. He can take such measures as he thinks fit for the purposes of securing, administering, preserving and managing and evacuee property and has the power to vary or cancel leases or allotments of evacuee property. All the deputy commissioners are Additional Settlement Commissioners for the purpose of performing within their respective jurisdictions the duties in respect of agricultural lands in any rural area; including houses, cattle-sheds and vacant sites.<sup>7</sup> At the sub-division level, the sub-divisional officers (civil) perform similar duties.<sup>8</sup>

*Replies to Questions Raised in Lok Sabha, Rajya Sabha and the State Vidhan Sabha*

In India, we have the freedom of speech and expression. In Parliament, of late there has been a tendency to ask many questions which relate to particular districts. Whenever any

<sup>4</sup>The Punjab Court of Wards Act, 1903, Sec. 11.

<sup>5</sup>*Ibid.*, sec. 22.

<sup>6</sup>Administration of Evacuee Property Act, 1950, Sec. 7.

<sup>7</sup>Notification No. S.R.O. 2615 dated August 9, issued under Sec. 3(i) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

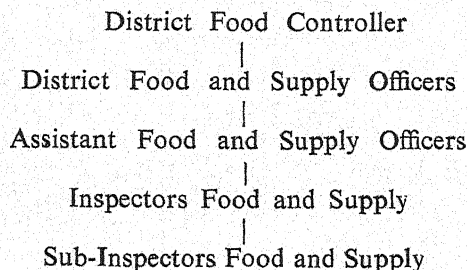
<sup>8</sup>Notification No. S.O. 632 dated February 21, 1959.

question is asked in the Parliament or Assembly which relates to the district administration, deputy commissioner is responsible to send facts and figures. Specially when the Punjab Vidhan Sabha is in session, the normal working of collectorate suffers a lot because sending of replies to the assembly questions becomes a top priority job.

### *Food and Civil Supplies*

Since the Second World War, control of the essential commodities and food distribution has been there. The deputy commissioner is the head of the supply organisation. There are district supply officers to provide staff assistance to him. Besides the distribution of foodgrains, the distribution of sugar, kerosene oil, vegetable oil, cement, iron and steel, galvanising sheets, etc., is also to be done under the supervision and overall charge of the deputy commissioner. He has also to get procurement of foodgrains made sometimes through the licensed dealers depending upon the government's policy of procurement. He has to maintain godowns and to keep foodgrains in reserve to meet any scarcity. He has the powers to check the hoarding, black-marketing and undue profiteering.

Under Essential Commodities Act, 1955, the deputy commissioner acts and controls the civil supplies officer in the district as district magistrate. He has the power to cancel the licences of brick kiln, etc., and no licence can be issued for the same without the permission of the district magistrate. The organisation of civil supplies department at the district level is given below:



### *Census*

Census has become a sort of socio-economic survey in which information is collected from the masses on a variety

of items.<sup>9</sup> Due to illiteracy and ignorance people do not even tell their age correctly. The deputy commissioner receives printed literature on census work from the superintendent of census operations and sends them to the field staff for implementation. Whenever the superintendent of census operations calls for any information he with the help of the district statistical officer gets it. He holds the periodical conference of revenue officers for census and reviews the progress made. The arrangements for the storage of census material, records, etc., are under the control of district statistical officer but deputy commissioner has the authority to call for any papers.

### *Elections*

Before Independence, the franchise was limited and the number of bodies for which elections were held was also very limited. Now elections have become time-consuming and also create a problem of law and order. Elections require meticulous planning and judicious use of resources and require ever vigilant eyes on set time table, set rules and instructions. The candidates leave no scope for laxity to the deputy commissioner who has to display tactfulness, resourcefulness and absolute impartiality. He helps the Election Commission at the time of general elections by providing men and material. Training of staff drafted for election duty and other arrangements like transport are a test of his resourcefulness and versatility. He also works as Returning Officer for the Lok Sabha constituencies falling within his jurisdiction. He has also to look after the elections to the local bodies.

With the previous approval of the Election Commission, he makes provision for a sufficient number of polling stations in each constituency and publishes a list of polling stations. He gives public notice of the elections, invites nominations of candidates for such election. He gives notice of nominations and the time and place of their scrutiny and publishes a list of contesting candidates. He makes adequate arrangements for the safe

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<sup>9</sup>In 1961, it was tenth in the series in the Punjab and second Census after Independence. In 1951, the Punjab was not leading a normal life as the effects of partition were visible. Secondly, in 1961 there was an urgent need for correct data for the purposes of framing of the Third Five Year Plan.



transport and custody of all ballot boxes, packets and other papers. He declares the results and keeps liaison with the chief electoral officer.

In accordance with the Indian Manual of Elections Law, based on the Representation of People's Acts, 1950 and 1951, and the Representation of People Rules (Preparation of Electoral Rolls), 1956, and Representation of People Rules (Conduct of Elections and Election Petitions), 1956, the deputy commissioner is responsible for preparing and keeping up-to-date the electoral records.

### *Role in Emergency*

Thrice in twenty one years, Pakistan had invaded India and all the three times it was beaten back and paid in its own coin. Every time the state was rocked, people bore the brunt bravely so the Punjab is generally referred to as "the shield, the spear and sword arm of India".<sup>10</sup> The Indo-Pak conflict in 1965 posed a new challenge to the deputy commissioner. The civil administration had to be geared up to foil the enemy attempts of lowering the morale of the people.

Deputy commissioner is, as already discussed, the overall in charge of the law and order of the district and mainly works through the police. If the law and order situation is sound, there would be less panic among the masses. In some of the areas the communal outbreaks are also likely to occur. Whenever there is war with a country which is purely based on religion or sometimes when the different ideologies clash, there is the fear of segregation within the nations thus creating ugly situations. Deputy commissioner has to make for security schemes for the protection of railways, bridges on the highways, hydro-electric works, air fields, etc. In order to attack strategic places such as bridges, police stations and petrol depots the enemy may send paratroopers. Deputy commissioner has to organise raids to capture them.<sup>11</sup> He may also be called upon to control and employ the armed police. He arranges escorts for treasuries

<sup>10</sup>Regionald Coupland : *The Indian Problem : Report on the Constitutional Problems in India* (New York, 1944), Part I, p. 116.

<sup>11</sup>Most of the paratroopers dropped by Pakistan were rounded up in 24 hours by the district police, *The Tribune*, Ambala, September 8, 1965.

and prisoners; statistics of casualties, etc. The police collects the intelligence reports and brings everything to his knowledge. He also suggests steps to counter espionage and other subversive activities.

In order to associate the people's representatives with the administration of relief measures, Relief and Reconstruction Advisory Committees at various levels were constituted during Pakistani aggression. The committees consisted of:

(1) At district level

- (a) All M.Ps. and M.L.As. of the district;
- (b) Chairman of the Zila Parishad;
- (c) Presidents of Municipal Committees of affected areas;
- (d) Two representatives of Block Samitis; and
- (e) Chairman of the District Citizens' Council.

Deputy commissioner was the President of this Committee.

(2) At the lower levels

- (a) M.L.A. of the affected area;
- (b) Chairman of Zila Parishad;
- (c) Chairman of the Panchayat Samiti concerned; and
- (d) Two sarpanches or public spirited persons from amongst uprooted persons.

Additional deputy commissioner was the president of the local committee and the sub-divisional officer (civil) its convener. National Integration Weeks are celebrated under the direct supervision of deputy commissioners where the prominent citizens representing all walks of life meet and discuss the latest situation.

In the face of an external aggression, the differences between political parties mostly disappear and people unite for the defence of the country. The effort of all is to contribute to war effort and this work of patriotic fervour and zeal has to be properly harnessed by the deputy commissioner. Thus he can simply exhort the people to contribute money, articles, gold, etc., and the response may be forthcoming. It will be worthy to point out here that first big offer for the national defence fund from

any civil servant came from the deputy commissioner who donated a whole month's salary amounting to Rs. 1,700.<sup>12</sup>

A distinguished deputy commissioner of Punjab said, "The real challenge that the deputy commissioner faces, is how to constructively utilise mass enthusiasm and zeal to suffer and sacrifice in a national cause which has come to the forefront, by transcending narrow limits of political, communal or class differences and unite the entire nation. This mass enthusiasm comes in waves and not as a sustained flow of effort. Yet if made steady and properly channelised it can work wonders in promoting economic uplift and national prosperity which will ultimately guarantee our national security and integrity."<sup>13</sup>

### *Defence of India Rules*

At the time of Pakistani aggression the deputy commissioner was given wide powers under the Defence of India Rules, 1962. He could restrict the movements of suspected persons for the sake of ensuring the public safety and the maintenance of public order.<sup>14</sup> For the purpose of securing effective measures of civil defence, the public safety or for the efficient conduct of military operations, he had the powers to censor all matters which were to be published in his district.<sup>15</sup> He could declare curfew stopping the movement of some suspected people between the specified hours.<sup>16</sup> If for the efficient conduct of military operations or for the maintenance of services and supplies essential to the defence effort, he could requisition any movable property.<sup>17</sup> He could prohibit or regulate the display of lights of any specified description and also could control sound.<sup>18</sup> Many provisions of the Defence of India Rules, 1962, helped the deputy commissioner to perform his duties to the best of his ability. Many deputy

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<sup>12</sup>*The Tribune* (Ambala), October 29, 1962.

<sup>13</sup>B.S. Ojha : "The Role of Deputy Commissioner in Emergency", *The Indian Journal of Public Administration*, Vol. XI, No. 3, July-September 1965, p. 67. Emphasis added.

<sup>14</sup>The Defence of India Rules, 1962, Rule No. 30.

<sup>15</sup>*Ibid.*, Rule 16.

<sup>16</sup>*Ibid.*, Rule 80.

<sup>17</sup>*Ibid.*, Rule 108.

<sup>18</sup>*Ibid.*, Rule 78.

commissioners met the requirements of the shortage of trucks by enforcing the East Punjab Movable Property (Requisitioning) Act, 1947.

The events succeeding the emergency caused due to the recent aggression have led to the realisation in some quarters that all is not well at home—economy, defence preparations, discipline, efficiency, etc. There is nothing unusual or abnormal about it because emergency situations of every state, which is the victim of prepared aggression, do reveal shortcomings on the part of the aggressed. These days war is a total war<sup>19</sup> for every soldier on the battle front, there are at least ten on the civilian front who are also combatants in their own way. It requires a total mobilisation of nation's all resources.<sup>20</sup> The war cannot be fought and won by peacetime tempo and behaviour of administration. The proper execution of powers requires impartiality, uprightness and integrity and in the emergencies the officer who matters, must have tact, speed, resourcefulness and executive ability.

A deputy commissioner lives from emergencies to emergencies and it is in these situations that the executive ability is tested because emergency of any type like war, riot, accident, epidemic, etc., does not give any chance to the authorities to make prior arrangements. "Certainly" said Lambrick, "It is well that every civil officer (referring to deputy commissioner) should, in emergency, be able to perform efficiently the humblest functions of official business."<sup>21</sup> In order to assess the role of the deputy commissioner in emergency, we have to see whether the delegation of powers to him to deal with the demands of the emergency is adequate or not and how far there remains the problem of effective control over the district level officers of other departments, e.g., chief medical officer, etc. The British always concentrated all power and authority in the senior most officers but in practice some sort of delegation was always there, "the Guardians (the I.C.S.) learned to delegate power....Supervision remained but

<sup>19</sup>The terminology carried by Hitler in the Second World War.

<sup>20</sup>L. Gullick thinks that all resources should include the Armed Services, International friends, manpower, raw materials, investments, science and technology, and organisation and institutions.

<sup>21</sup>H.T. Lambrick : *Sir Charles Napier and Sind* (Oxford, 1952), p. 198

power was delegated. Delegation of powers, combined with confidence and trust—the confidence that orders would be carried out...these have been the distinguishing mark of this service”.<sup>22</sup> Deputy commissioner of today does not enjoy much of policy making role and sometimes due to lack of delegation of authority he cannot take timely action. In the last Pakistan aggression, some of the deputy commissioners did work on the ‘saying’ that when the house is on fire, questions of procedure or precedents or etiquette and division of labour disappear. The results were quite encouraging and with proper delegations even in peace time much better results can be obtained. Dealing with the defects of Indian administrative system, Paul H. Appleby attributed delays to the extraordinary width of the gaps in quality, prestige and pay between the higher levels and consequential lack of qualified intermediate personnel and last of all “to the art of delegation and in considerable part to a structure that discourages and damages delegation”.<sup>23</sup>

There is no gainsaying the fact that deputy commissioner can be successful in harnessing all the activities if he gets the best field support. The role of each department at the district level should be clear cut to facilitate fixing of responsibility. There is still need to augment powers and influence of the deputy commissioner as the sole coordinator of the government’s defence effort in an emergency and for giving a special orientation for the deputy commissioner in regard to such a role. Some of the deputy commissioners do lack dynamism and imaginative insight into difficult situations and must be pulled up.<sup>24</sup> There is need for orientation in peace time to develop their skills and techniques of management. This can be done by instituting incentives and motivations among public officials and by making them defence-minded.

### *Assessment*

The duties of deputy commissioner are so manifold that some are akin to call him “the Jack of all trades, being instrumental

<sup>22</sup>Phillip Woodruff : *The Men Who Ruled India*; *The Guardians* (London, 1953), pp. 214-15.

<sup>23</sup>The government, for instance, suspended Dr. P. K. Das, I.A.S., deputy commissioner Darang for leaving his post at Tezpur without permission and without handing over charge.

<sup>24</sup>*The Tribune* (Ambala), November 24, 1962.

for anything of consequence which government wants to do in a district.”<sup>25</sup> By and large, all government policies come to him for execution. The deputy commissioner is the incharge of various drives, for instance, the procurement drive, the monopoly purchase drive, the grow more food scheme, the National Savings Scheme, other drives like shramdams. He is supposed to exhibit a complete balance of government interest and public interest. He gives practical shape to most of the policies and also indirectly helps to shape the policies either by assessing the results in the fields or by communicating his own reactions through experience.

He gives the administrative leadership in the shape of persuading people to cooperate for the achievement of common objectives. His leadership role may be defined as “influencing and energising of people to work together in a common effort to achieve the purpose of enterprise”.<sup>26</sup> Democracy gives opportunities to the citizens, to get the redressal of their grievances, but democracy can be successful not merely by displaying an attitude of benevolence or enlightened interest in the well-being of the citizens but specific measures are to be adopted to secure all-round contentment and satisfaction with the policies of government and their implementation.

To see that the policies do not remain unrealistic and that the bare facts are not lost sight of, information of policies, the emphasis is put by the government to send officers to the field from the secretariat. The ordinary villager still regards the deputy commissioner as *Mai Bap* but this attitude is fast disappearing in view of democratic decentralisation and its institutions. There is a school of thought which believes that deputy commissioner should be placed back in his old position, the captain of the team, if not the head of the district, representing the government.

The Punjab Administrative Reforms Commission went into the question of increased number of complaints from the public and could not come to any one definite cause or reason for it.

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<sup>25</sup> *Report of the Committee on Democratic Decentralisation*, Government of Maharashtra, p. 99.

<sup>26</sup> Seckler-Hudson : *Organisation and Management—Theory and Practice* (Washington, 1957), p. 138.

It is very difficult to judge whether the increased number of complaints were a proof of increased corruption or merely a reflection of the fact that this was the impact of the growth of education or the establishment of a certain degree of responsible government. The fact is that the public opinion in India is generally protesting against standards of conduct in the public services which were accepted in the past. From the increased volume of complaints it should not be understood that there is inefficiency in administration or people have become more critical of the present standards but people now do not want to take things "lying down".

Most of the leaders of some political standing at the district level are not always objective in their outlook and at times have vested interests and narrow loyalties. There is need of an agency which should be objective and dispassionate and which can provide a reference point and deputy commissioner, by and large, has stood the test of the time for that purpose. So much depends on the efficiency of the deputy commissioner that under a good officer people would feel well protected and happy where under a bad deputy commissioner, "Corruption would flourish in the courts of justice like weeds in an unattended garden the revenue would languish, and trade be paralysed by the insecurity of the roads."<sup>27</sup> In the recent years some events have taken place which have acted adversely on the prestige of the deputy commissioner. Firstly, the political leaders of the area, because they have a voice at the higher quarters even when their party is not in power, try to interfere too often in the policies of the deputy commissioner. Secondly, the growth of panchayati raj bodies has also posed a challenge. In the course of time, the chariman of the Zila Parishad seems destined to share his glamour and authority and might become the non-official head and the first citizen of the district trying to represent the area and becoming the chief spokesman. The Simon Commission asserted that by whatever constitution India may be ruled, no government can do without the deputy commissioner but today this assertion is facing a strong challenge.

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<sup>27</sup>Houghton Bernard : *Bureaucratic Government* (Madras, 1921), p. 14.

## CHAPTER X

### VIABILITY OF THE CHARGE OF A DEPUTY COMMISSIONER

Deputy Commissioner in the district represents the government and his activities are multifarious. Every department of the government looks to him for guidance, assistance and co-ordination. Due to the increase in developmental functions, his role has further extended to cover many more activities. In this section, an attempt has been made to assess the workload of the deputy commissioner with the intention of primarily to be less abstract and also to see him in action. It would be unfair to put him under a microscopic study during any particular trying conditions because there are variations in the nature of his duties depending on the season, particular period of the year, etc.

It is very difficult to make a correct assessment of the workload of the deputy commissioner. His work depends upon many factors, such as the size of the district, nature of the work, *e.g.*, law and order, developmental, the character of the people of the area—litigious assertive or caste-ridden factions, etc. Clarification of the responsibility and authority of the top management is a first requisite, since any confusion or vagueness at the top is reflected downwards throughout the organisation. The personality of the deputy commissioner also counts a great deal for the difference in time devoted to the solution of these problems. In order to assess the commitment to innovative goals and democratic perspectives, let us have an idea about the magnitude of the tasks that have devolved upon him, particularly in the last few years.

The workload of the deputy commissioner was heavy since its inception but no comprehensive study of the problem was made until 1905 when a committee under F.A. Slacke, I.C.S., was appointed to suggest measures for the reduction of his



work.<sup>1</sup> The committee pointed out many factors which were responsible for the increase in his workload, and suggested certain changes. Some calculations about the workload had also been made by the Assessment Units of the state governments from time to time, primarily as a routine affair or to assess the requirements of a collectorate. Most of the studies made so far related to the collectorate as a whole and not the deputy commissioner in his individual capacity.

The load of work of a collector or a deputy commissioner is an all-India problem and various state governments have been ordering detailed enquiries into the matter. The Government of Madras appointed the District Revenue Administration Enquiry committee which submitted its report in 1955. In the next year, Shri K.K. Dass, Reorganisation Commissioner submitted his report to the Government of Uttar Pradesh regarding proposals for the reorganisation and rationalisation of collectorates. The then Bombay Government appointed Shri M.G. Pimputkar, Joint Secretary, Political and Services Departments to submit his report on the Reorganisation of the District Revenue Offices. All these reports came to the conclusion that the collector is over-worked and recommended some relief in one direction or the other. The interesting accounts of the time given by some of the deputy commissioners how they spent typical days lead us to infer<sup>2</sup> that the deputy commissioners were over-worked—even in the early thirties. In the present study, efforts have been made to obtain a comprehensive picture of the duties of the deputy commissioner and his activities have been classified under *Eleven* heads : Case or Desk Work (file work and correspondence), Meetings at the official level, Discussions at official level (both departmental and inter-departmental),

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<sup>1</sup>*Report of the Slacke Committee* (1905-6) (Calcutta, 1966), p. 5. How a deputy commissioner spent a day and how much busy he was in 1895 can be seen while reading first two chapters of Wilson Anne : *After Five Years in India or Life and Work in a Punjab District* (London, 1895), pp. 13-41.

<sup>2</sup>R.D. Macleod, I.C.S., has given a very interesting account of how he spent a typical particular day. *Impressions of an Indian Civil Servant* (London, 1938), pp. 72-81.

E.N. Mangat Rai has also included in Appendices an account of how a deputy commissioner spends a day in three different districts of the Punjab, *Civil Administration in the Punjab* (Cambridge, Mass, 1963).

Things of unforeseen nature, VIP's and other functions at the headquarters, Visitors including the Press, Telephones, Thought and Reflection, Inspections and Tours.

These categories, in brief, cover most of the activities of the head of the district, performed in his capacity as deputy commissioner, collector and district magistrate. The average time spent on each of the above categories of work by deputy commissioner in the Punjab for one week was found out to be as follows :

<i>Sr. No.</i>	<i>Activity</i>	<i>Percentage of time spent</i>
1.	Case Work	28.05
2.	Interviews with Public	15.62
3.	Discussions at official level	9.54
4.	Court work	13.18
5.	Telephone calls	9.38
6.	Attending on VIPs	8.70
7.	Thought and Reflection	7.54
8.	Attending Mettings, Conferences	3.66
9.	Inspections other than those while on tour	3.29
10.	Things of unforeseen nature including law and order	2.04
	Average workload per week (excluding Sundays and Holidays)	72.35 hours
	Average workload per day (excludng Sundays and Holidays)	11.72 hours

The charge of a deputy commissioner or a collector varies from state to state.

In an all-India Survey of collectors conducted by Gillispie in 1962-63 under the aegis of the Indian Institute of Public Administration, the all-India average of hours spent 'on the job' by deputy commissioner in connection with their duties, including social activities directly connected with their official position was found to be 70 hours per week while the present study in the Punjab shows that he spends 72.35 hours per week.

The Bombay Report on District Revenue officers, 1959, also made analysis of his workload and allowing for Sundays,

half Saturdays and other holidays, the whole workload came to about 11.4 hours and if he were only to allow for Sundays it came to 9.9 hours per day. The present study indicates that excluding Sundays and other holidays, the average workload per day comes out to be 11.72 hours which is almost equal to the time referred to by the above study.

In a Report prepared by B. R. Singh, I.A.S., collector of Patna in 1962 the average workload in Bihar per day came out to be 16 hours. All these studies show that the deputy commissioner for fulfilling his role adequately must be prepared to accept as his daily routine hours of work far beyond the officially stipulated working hours.<sup>3</sup> Though in all the studies made earlier different methods were used and still more, they were made during different periods, yet the results in most of them are the same. There are slight variations here and there which are but natural in studies of this type.

From the table we see that deputy commissioner in the Punjab spends comparatively more time on court work and on attending V.I.Ps. He spends less time in Case Work (files and correspondence) and negligible time in attending meetings and conferences. He spends more time in meeting visitors and the press than his counterparts in other states except in one district of Kerala. Other items cannot be compared because the detailed break-up of all the items in other studies is not available.

The daily average workload of a deputy commissioner differs not only from state to state but also from district to district. The overall statement of the average workload per week of all the eleven districts along with the percentage of workload to the total workload of all the districts combined has been shown on page 263.

The variation in the workload in the districts may be as pointed out earlier due to (a) unequal size and area of the district, (b) different levels of economic growth and development, (c) character of the people, e.g., litigious, assertive or caste-ridden factions, etc. The work varies from less than ten hours per day

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<sup>3</sup>The figure does not include tours.

TABLE  
COMPARATIVE STATEMENT OF PERCENTAGE BREAK-UP OF TIME  
SPENT BY THE DEPUTY COMMISSIONER/COLLECTOR OF THE  
PRESENT STUDY WITH EARLIER STUDIES AVAILABLE

Sr. No.	Item	All India average	Bihar	Bombay	Two Kerala districts		Present study- Punjab
					Trivan- drum	Tri- chur	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Court work	6	9.37	3.36	—	—	13.18
2.	Attending VIPs	4	1.56	6.05	—	—	8.70
3.	Case Work	36	50.00	53.78	32	39	28.05
4.	Interviews with Public & Press	11	12.50	4.21	30	11	15.62
5.	Discussions at official level	9	—	—	20	21	9.54
6.	Attending Meetings and Conferences	11	12.51	6.72	—	—	3.66
7.	Inspections and touring	18	937	25.88	15	14 <sup>a</sup>	2.29
8.	Things of unforeseen nature	1	4.69	—	—	—	2.04
9.	Telephones	—	—	—	3	6	9.38
10.	Thought and Reflections	4	—	—	—	—	7.54

*Explanations :*

1. The figures in Column 3 are from a study made by Gillispie under the aegis of the Indian Institute of Public Administration 'An All India Survey of Collectors'. (Unpublished)
2. The figures in Column 4 are from Report prepared by Shri B.R. Singh, I.A.S., Collector of Patna in 1962 on the Progressive increase in the workload of the Collector of Patna (typed), pp. 21-22.
3. The figures in column 5 are taken from the Report of the Reorganisation of District Revenue Offices, Government of Bombay, 1959, p. 24.
4. The figures in Columns 6 and 7 are from the Articles "The Collector in the Nineteensixties in Kerala" by Shri N.M. Patnaik in the Special Number of the *Indian Journal of Public Administration* 'The Collector in the Nineteen Sixties' Vol. XI, July-September 1965, p. 475.
5. The dots in the columns which are left blank indicate that the particular break-up was not available in the particular report or the study referred to.
6. The present study (Column 8) has divided the items of inspections and tours separately whereas in other studies they have been combined together.

<sup>a</sup>Report of the District Administrative Enquiry Committee, Government of Madras, 1955, p. 60, para 160.

TABLE  
VARIATION OF WORKLOAD IN VARIOUS DISTRICTS OF  
THE PUNJAB

Sr. No.	Name of the District	Workload in mts. per week	Percentage of workload to the total workload of all the dis- tricts combined	Average work- load per day	
				Hours	Minutes
1.	Amritsar	4692	10.11	13	2
2.	Bhatinda	4302	9.26	11	57
3.	Ferozepur	4980	10.73	13	50
4.	Gurdaspur	3630	7.82	10	5
5.	Hoshiarpur	4488	9.67	12	28
6.	Jullundur	4740	10.21	13	10
7.	Kapurthala	3378	7.27	9	23
8.	Ludhiana	4448	9.67	12	28
9.	Patiala	4530	9.76	12	35
10.	Rupar	3420	7.36	9	30
11.	Sangrur	3780	8.14	10	30

in the districts of Kapurthala and Rupar to more than thirteen hours in Amritsar, Jullundur and Ferozepur. The workload in Hoshiarpur, Ludhiana and Patiala is almost equal. The detailed break-up of the time spent on the various categories of work by the deputy commissioner is given below.

### 1. Case Work

This category covers all correspondence which the deputy commissioner carries out with the numerous offices and the public and the file work. There are many heads of departments in the Punjab who directly address him and many issue orders to him. In their turn, each of these departments is further divided into a number of sections and regional offices which send quite a substantial number of letters.<sup>5</sup> He is directly responsible for the working of the confidential section in the collectorate

<sup>5</sup>A study made by the collector of Muzaffarnagar (Uttar Pradesh) in 1956 showed that, in the first nine months of that year, the number of circular orders (printed or cyclostyled) received in his collectorate from authorities was nearly 2,500. This excluded secret or top secret circular letters, demi-official letters, notifications and individual letters. *Report on Reorganisation of Collectorates*, Government of Uttar Pradesh, 1956, p. 7.

and the entire correspondence of this section has to be carried by him. Case work is almost uniform in most of the districts taking 24 to 30 per cent of the time except in the districts of Rupar and Sangrur where it is more. Most of the case work relates to revenue matters except in Rupar and Gurdaspur where development cases are more in number.<sup>6</sup> Cases of complaints outnumber cases on establishment in Gurdaspur, Patiala, Sangrur and Rupar, whereas in the last three districts they are almost double. Time spent by each deputy commissioner on passports, licences and civil defence is negligible because this work of late, has been delegated to other officers. After the setting up of the Directorate of Local Bodies, the work relating to local bodies has considerably lessened. The maximum time of the deputy commissioner is spent on the files (28%) and in disposing of the dak. In Gillispie's Survey, it was found that 20 per cent of the collectors thought that their paper work was "excessive and burdensome" and 49 per cent thought that it was "excessive but not burdensome". It is perhaps due to the reason that the average number of receipts in the collectorate is alarming and the superintendent of the office who opens the dak sends most of the papers to the deputy commissioner. If proper pruning and scrutiny is done and only the letters marked secret or confidential or which are addressed by name are sent to him, much of the time on case work can be saved. Normally only those letters where the orders of the deputy commissioner are necessary ought to go to him, but there is a general fear in the minds of most of the officers that by not looking to all the papers, they would be cut off from the working of the office. Such an apprehension is unfortunate but where it persists the General Assistant or other officers may well be asked to apprise the deputy commissioner about important cases by meeting him every alternate day or even after office hours every day for a few minutes.<sup>7</sup>

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<sup>6</sup>In Maharashtra, relief has been provided to the deputy commissioner in revenue matters because the collection of land revenue has been transferred to the Gram Panchayats which have also been made responsible for the maintenance of record of rights in lands.

<sup>7</sup>"Eat routine or routine will eat you up" is the maxim for the senior officers in many developing countries. Fletcher Committee went into the details of reducing the case work in 1953. Refer *Report on the Reorganisation of District Administration in Punjab*, 1953, p. 47.

TABLE  
 DESK WORK (ESSENTIAL AND NON-ESSENTIAL) AND ITS PERCENTAGE BREAK-UP

Sr. No.	Name of the district	Total time spent per week	percentage of time spent on cash work	Establishment	Complaints	Development	Passport	Licences	Revenue	Local bodies	Civil defence	Others
1.	Amritsar	4692	24.29	11	9	28	1	1	32	4	6	8
2.	Bhatinda	4302	27.38	19	16	18	1	1	30	7	2	6
3.	Ferozepur	4980	24.8	9	8	17	0	5	43	2	6	10
4.	Gurdaspur	3630	28.51	11	19	34	0	2	25	4	3	2
5.	Hoshiarpur	4488	26.29	16	10	24	1	2	36	2	1	8
6.	Jullundur	3740	25.3	8	5	22	2	2	55	2	2	2
7.	Kapurthala	3378	29.89	12	8	22	0	2	47	2	2	5
8.	Ludhiana	4488	27.85	10	5	25	0	3	42	5	5	5
9.	Patiala	4530	28.69	9	21	20	0	0	41	4	2	3
10.	Rupar	3420	35.5	5	10	47	0	1	18	5	3	11
11.	Sangrur	3780	33.86	10	17	20	0	2	42	2	3	4

## 2. Meetings

The deputy commissioner is associated with more than seventy official and non-official committees (list given in the Appendices) besides the number of meetings which he has to convene for the propagation of government policies. He is also required to attend number of public meetings in connection with defence and other emergency matters.

TABLE  
MEETINGS (DEPARTMENTAL AND INTER-DEPARTMENTAL)

<i>Sr. No</i>	<i>Name of the District</i>	<i>Total time spent in one week (minutes)</i>	<i>Percentage of time spent per week on meetings</i>
1.	Amritsar	4692	4.26
2.	Bhatinda	4302	3.95
3.	Ferozepur	4980	4.2
4.	Gurdaspur	3630	3.85
5.	Hoshiarpur	4488	3.34
6.	Jullundur	4740	3.58
7.	Kapurthala	3378	3.55
8.	Ludhiana	4488	3.56
9.	Patiala	4530	3.09
10.	Rupar	3420	3.50
11.	Sangrur	3760	3.17

The above table shows that deputy commissioners attend only limited number of meetings. Most of them have fixed some particular day in the month when some important meetings are held. The time spent on meetings in districts bordering Pakistan, e.g., Amritsar, Ferozepur and Gurdaspur is comparatively more and in other districts, it is more or less uniform. It may be due to the fact that greater vigilance and coordination is needed in the border areas.

Meetings at the inter-departmental level do not seem to achieve any tangible results because the deputy commissioner at present does not have enough authority to prevail upon the officers of other departments at the district level, so his role as a coordinator is regarded as insipid. He is supposed to pull all the officers together without having power to direct. He seems to guide in an undefined way; therefore most of the



meetings degenerate into an exchange of opinions which has a limited value and has equally limited results.<sup>8</sup>

### 3. Discussions at Official Level

Deputy commissioner has to coordinate the activities of the various offices at the district level and for that matter, discussions at both departmental and inter-departmental level are very necessary. Sometimes some of the deputy commissioners do not afford opportunities to officers for discussions and merely refer them to the Personal Assistants<sup>9</sup>. The deputy commissioner has to provide overall direction and guidance, allocate priorities, build up identification of personnel with objectives and programmes and set the tone of administration. It is expected of an officer who is to coordinate all the activities at the district level to discuss matters with other officers in person so that an effective watch on plan implementation and other developmental functions can be kept.

TABLE  
EXCHANGE OF VIEWS AT OFFICIAL LEVEL

Sr. No.	Name of the District	Total time spent per week (mts.)	Percentage of time spent per week	Percentage of time spent on discussions at inter-departmental level	Percentage of total time spent on discussions
1.	Amritsar	4692	7.88	2.64	10.52
2.	Bhatinda	4302	3.83	3.14	6.97
3.	Ferozepur	4980	10.70	1.34	12.04
4.	Gurdaspur	3630	7.77	1.87	9.64
5.	Hoshiarpur	4488	5.46	4.07	9.53
6.	Jullundur	4740	10.08	1.52	11.60
7.	Kapurthala	3378	3.99	3.4	7.40
8.	Ludhiana	4488	8.02	1.56	9.58
9.	Patiala	4530	5.91	3.47	9.38
10.	Rupar	3420	4.94	2.95	7.89
11.	Sangrur	3780	7.14	1.59	8.73

<sup>8</sup>There are sometime cases when there is a show and test of strength between the deputy commissioner and the head of another department. The captaincy of the team (referring to collector) seems to consist in keeping a smiling face and trying to say that there are no differences even when they exist, *Report of the Reorganisation of District Revenue Offices*, Government of Bombay, 1959, p. 31, para 73.

<sup>9</sup>*Report of the Administrative Reorganisation and Economy Committee (1965-67)*, Government of Kerala, pp. 43-45.

The time spent on discussions with the officials at the departmental level is the highest in Ferozepur, and the lowest in Bhatinda, whereas on discussions with officials at the inter-departmental level, it is the highest at Hoshiarpur and the lowest at Ferozepur. On the whole, the time spent on discussions at the inter-departmental level is relatively low. This may be due to two reasons, firstly most of the discussions with officers of other departments are held on telephone, and secondly due to the dual control on the officers at the district level, much of the coordination is lacking. In Gillispie's survey, 44 per cent of the collectors on all India level thought that the existing procedures and coordination among the various departments and agencies of government were 'not very adequate' or 'not adequate at all'.

#### 4. *Court Work*

It is in the courts and not the legislature that citizens primarily feel the keen, cutting edge of the law. Respect for the law is one of the select group of principles which we have come to regard as essential to the effective and equitable operation of popular government. As a democratic principle it is recognised as binding on both the governed and those who govern. The law, in its procedural as well as its substantive aspects, is essentially made and administered by men, so it has become "a truism that the quality of justice depends more on the quality of the men who administer the law than on the content of the law they administer<sup>10</sup>."

Deputy commissioner as collector and district magistrate decides revenue appeals and revisions, criminal appeals and certain other categories of cases. The court work mainly falls under two categories, revenue (both judicial and executive) and criminal appeals in the context of law and order. The table given on page 269 shows that the percentage of time spent by him as district magistrate is negligible. It is due to the fact that judiciary has been separated from executive in the Punjab in all the districts and most of the cases have been transferred to the district judge.

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<sup>10</sup>*State and Local Government in America*, p. 237.

TABLE  
COURT WORK AS COLLECTOR AND DISTRICT MAGISTRATE

Sr. No.	Name of the District	Number of days fixed per week (mts.)	Total time spent per week	Percentage of time spent as collector	Percentage of time spent as district magistrate	Total percentage of time spent on court work
1.	Amritsar	3	4692	11.50	1.92	13.42
2.	Bhatinda	2	4302	10.34	1.05	11.39
3.	Ferozepur	3	4980	12.15	1.70	13.85
4.	Gurdaspur	2	3630	9.36	1.65	11.01
5.	Hoshiarpur	3	4488	13.14	1.56	14.70
6.	Jullundur	3	4740	9.49	0.95	10.44
7.	Kapurthala	2	3378	12.43	0.89	13.32
8.	Ludhiana	3	4488	12.48	2.67	15.15
9.	Patiala	3	4530	12.58	1.98	14.56
10.	Rupar	3	3420	16.36	1.76	18.12
11.	Sangrur	2	3780	8.60	0.65	9.25

More than 90 per cent of the time on court work is spent on revenue matters. The volume of the court work is the maximum in Rupar and the minimum in Sangrur. Apart from indicating the litigation trend in the districts, too much court work also indicates, to some extent, dissatisfaction with the administrative machinery. The time spent on revenue court work mostly varies from 9 to 13 per cent and there is need of reducing it further. A host of proceedings antedates the trial—including various motions for dismissal of the case, change of pleadings, placing of depositions, request for change of dates, pointing out of defects in the records, etc. Some part of the court work can conveniently be delegated to lower echelons. The relief, thus given to the deputy commissioner in revenue administration can enable him to work more effectively on the developmental side. He should be responsible for revenue administration, in a general way whereas *“almost all items of revenue work should be attended to by the Personal Assistant (General) of the collector”*.<sup>11</sup>

<sup>11</sup>Report of the Administrative Reorganisation and Economy Committee, Government of Kerala (1965-67), p. 41. Emphasis added.

### 5. *Things of Unforeseen Nature*

There are certain events which do not happen normally but when they happen they give a testing time to the deputy commissioner. During war, for instance, the entire administrative machinery is geared up for mobilising resources of men and material for the defence effort. Floods, famine, infectious diseases, internal disturbances, economic depression, are all capable of upsetting, though in varying measures, the normal life of a nation thereby causing conditions of pressing necessity. A period of such an emergency is a period of unusual strain for the deputy commissioner and makes urgent and exacting demands on his time.

Due to rare occurrence of such emergencies the time spent by deputy commissioners is almost uniform in all the districts of the Punjab, but the percentage of time spent on this item in Sangrur is almost double the time spent on it in Hoshiarpur.

TABLE  
THINGS OF UNFORESEEN NATURE

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Total time spent per week (mts.)</i>	<i>Percentage of time spent on things of unfore- seen nature</i>
1.	Amritsar	4692	1.70
2.	Bhatinda	4302	2.09
3.	Ferozepur	4980	1.70
4.	Gurdaspur	3630	2.34
5.	Hoshiarpur	4488	1.56
6.	Jullundur	4740	2.00
7.	Kapurthala	3378	1.33
8.	Ludhiana	4488	2.22
9.	Patiala	4530	1.76
10.	Rupar	3420	2.77
11.	Sangrur	3780	3.17

### 6. *VIPs and Functions at the Headquarters*

Deputy commissioner is the head of the district administration and he receives VIPs visiting the district. He has also to honour a number of social and other calls where he is either invited or where he himself is the chief guest. Whenever Chief Minister or other Ministers visit the district it is customary for the deputy commissioner if he is not on tour to pay a courtesy call on them. Sometimes a lot of time is spent on making arrangements for the stay of VIPs.

TABLE  
VIPs AND OTHER SOCIAL FUNCTIONS

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Total time spent per week (mts.)</i>	<i>Percentage of total time spent on VIPs</i>	<i>Percentage of time spent on social and other functions</i>	<i>Percentage of time spent on VIPs and other functions</i>
1.	Amritsar	4692	9.60	1.06	10.86
2.	Bhatinda	4302	7.67	0.51	8.18
3.	Ferozepur	4980	8.43	0.30	8.73
4.	Gurdaspur	3630	9.91	0.83	10.74
5.	Hoshiarpur	4488	8.02	1.11	9.13
6.	Jullundur	4740	9.39	1.58	10.97
7.	Kapurthala	3378	7.70	1.18	8.88
8.	Ludhiana	4488	10.47	0.67	11.14
9.	Patiala	4530	6.18	0.66	6.84
10.	Rupar	3420	4.67	1.17	5.84
11.	Sangrur	3780	2.12	0.79	2.91

The Deputy Commissioners of the district where the district headquarters lie on the main railway line or the Grand Trunk Road, e.g., Ludhiana, Jullundur and Amritsar have to spend more time on VIPs. This is mainly due to the central location of the district headquarters and their easy accessibility. The elected representatives from Gurdaspur district during the last five years have occupied key positions in the political life of the state in various capacities, therefore more time is spent on VIPs in that district.<sup>12</sup> The time spent by deputy commissioners of Patiala, Rupar and Sangrur is comparatively less. Incidentally in the four districts of Patiala division, e.g., Rupar, Sangrur, Patiala and Bhatinda, the deputy commissioners spend the minimum time on attending VIPs and other functions.

Deputy commissioner spends a very negligible time on social and other functions (1%) which is in no way a happy sign. Of late there has also been a tendency to cut off the club life with the result that the deputy commissioner cannot mix freely with the people.<sup>13</sup> He needs the support of many

<sup>12</sup>Visits of VIPs sometimes tend to interrupt the tour schedule of deputy commissioners.

<sup>13</sup>During the British days, the deputy commissioner passed many instructions to various officers while playing cards in the club or while having general talks.

institutions at the time of emergency created by floods, war, famine, etc., and by obliging groups or individuals by personal attendance at some of the functions he can come nearer to them.

Deputy commissioner has to perform certain ceremonial functions as well. He has also to celebrate some fortnights, some special "weeks" like Anti-Crimes Week and some 'New Drives' like Small Savings Drive, Family Planning Drive, etc. Pre-celebration arrangements do not take negligible time. Generally such drives only bring to light an idea that the importance of a particular item is restricted to that week or that fortnight and there is nothing to be done with regard to that for the rest of the year. Such drives or weeks do not appear to serve any good purpose. If a matter is important, it would receive continuous vigilance, if it is not, it is best dropped soon. There is a general feeling of relief with the deputy commissioners in the 'weekless weeks'.

#### 7. *Visitors at the Headquarters*

Deputy commissioner has to receive visitors at all hours, very early as well as very late, at his residence as well as at the office, and on holidays as well as working days.<sup>14</sup> They come to him for variety of purposes, viz., cement permits, complaining against non-supply of canal water, electric connections, arms and other licences, reporting delay in their cases, conveying rumours, describing the fights in their areas, etc. If the deputy commissioner meets many people, he is mistaken as being a social extrovert and if he does not, he is regarded as a snob. He has to walk on a razor's edge in such matters.

The table on page 273 shows that on an average 43 visitors meet him every day. The percentage of time spent on visitors at Bhatinda is the highest, at Rupar the lowest, while at Amritsar, Hoshiarpur and Ludhiana it is almost equal. The time spent on attending to daily visitors keeps him in contact with the public, their demands and their difficulties. Moreover the personal contact offered by him goes a long way to create a good impression about the administration. If citizens are

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<sup>14</sup>Report of the District Administration Enquiry Committee, Government of Madras, 1955, p. 175, para 73.

to be properly involved in the system and in the achievement of system goals, administrative contacts with the public must be extensive, continuous and informal.

TABLE  
PUBLIC CONTACTS

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Average number of visitors per day</i>	<i>Total time spent per week (mts.)</i>	<i>Percentage of total time spent on visitors</i>
1.	Amritsar	40	4692	14.49
2.	Bhatinda	48	4302	18.36
3.	Ferozepur	75	4980	17.26
4.	Gurdaspur	38	3630	15.42
5.	Hoshiarpur	40	4488	14.48
6.	Jullundur	35	4740	17.08
7.	Kapurthala	45	3378	16.28
8.	Ludhiana	35	4488	14.48
9.	Patiala	45	4530	15.01
10.	Rupar	15	3420	10.81
11.	Sangrur	55	3780	17.19

The deputy commissioners have fixed some hours during prescribed days of the week when the interviews are granted to the public and a register is kept in the office where the particulars of the individuals, the purpose of the visit and other details are filled in.<sup>15</sup> The total time prescribed is so limited that most of the visitors are compelled to meet them outside the office hours.

It has also been commonly observed that on most of these interview days, the deputy commissioner is either on tour or has to be busy in connection with the visit of some VIP or is engaged in some law and order problem. Such contingencies arise very often and by a slight increase in interview hours for the public, more people can be accommodated.

As regards the visitors, whereas it may be desirable for the deputy commissioner to meet as many people as possible to get in touch with the district, yet wasting 15.62 per cent time for this

<sup>15</sup>Timings vary with the season.

work appears to be too much. Many visitors meet him for petty matters like attestation of documents, etc., which can very easily be disposed of at lower levels. If the services of some officer junior to him are utilised for screening the visitors, the number of persons who come to meet the deputy commissioner might fall down. Of late another tendency has come to light. Many people take their grievances from the sub-division direct to deputy commissioner but if such persons are discouraged from meeting him the number is sure to come down. Creating a sense of finality in the orders or the decisions of the sub-divisional officer, may also have a very healthy effect.

### 8. *Telephones*

The deputy commissioner settles a number of things on the telephone thereby effecting economy in labour and time<sup>16</sup>. Telephone is useful in emergencies like fire, epidemics, floods, war, etc. It reduces considerably the travelling of the officers and the consequent waste of time and money. The deputy commissioner is in need of a variety of information and other statistical data. The usual method of correspondence not only takes a lot of time but sometimes it may not enable one to get the required information in time. The Punjab Administrative Reforms Commission had recommended that there should be an increased use of the telephone.

On an average a deputy commissioner receives and sends about 32 calls per day including the trunk calls. The ratio of the number of calls of the officials to the non-officials is 4 : 1. It takes about 9.38 per cent of the time of the deputy commissioner to attend to the calls which in no way is excessive. During interviews it was observed that 25 per cent of the calls could have easily been avoided.<sup>17</sup>

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<sup>16</sup>Paul H. Appleby remarks, "one sits in his (collector's) office only to hear him receive along with streams of citizen, visitors, telephone calls from..."

<sup>17</sup>Sometimes people get unnecessarily penicky about certain situations and for one matter, serious or otherwise, do not hesitate to ring up the deputy commissioner five or six times in quick succession from one or the other place for the same complaint.



TABLE  
USE OF TELEPHONE

Sr. No.	Name of the District	Average number of calls per day from or to officials	Average number of calls per day from or to non-officials	Total time spent per week (mts.)	Percentage of total time spent on telephone
1.	Amritsar	29	9	4692	9.97
2.	Bhatinda	23	8	4302	9.11
3.	Ferozepur	30	5	4980	8.11
4.	Gurdaspur	20	3	3630	8.26
5.	Hoshiarpur	25	6	4488	8.91
6.	Jullundur	28	8	4040	9.49
7.	Kapurthala	19	4	3378	8.58
8.	Ludhiana	30	7	4488	10.02
9.	Patiala	34	10	4530	10.81
10.	Rupar	20	2	3420	8.77
11.	Sangrur	25	4	3780	10.84

### 9. *Thought and Reflection*

The work of the deputy commissioner is on his mind all the 24 hours a day. It is difficult to get him to talk about anything else, even in his club, his residence or at social functions. When an administrator thinks about his work he is working, because consciously or unconsciously he is trying to solve problems, coordinate plans for the future and so on. It is not only the social engagements and family parties that do not leave time to the collector for study and reflection "*but the multifarious duties now cast on him to spare time for reflection and study*".<sup>18</sup>

There is a wide variation in this particular item because the time for thought and reflection is an individual affair, it varies with moods and the age of the individuals. Against an all-India average of 4 per cent, it is healthy sign that in the Punjab the average comes out to be 7.54 per cent.

<sup>18</sup>The Indian Society of Agricultural Economics : *Report on the Administrative Survey of the Surat District* (Bombay, 1958), p. 68. Emphasis added.

TABLE  
CREATIVE THINKING ABOUT WORK PROBLEMS

Sr. No.	Name of the District	Total time spent per week (mts.)	Percentage of time taken for Thought and Reflection
1.	Amritsar	4692	8.31
2.	Bhatinda	4302	10.46
3.	Ferozepur	4980	6.82
4.	Gurdaspur	3630	8.26
5.	Hoshiarpur	4488	10.02
6.	Jullundur	4740	7.38
7.	Kapurthala	3378	8.37
8.	Ludhiana	4488	3.29
9.	Patiala	4530	7.72
10.	Rupar	3420	3.80
11.	Sangrur	3780	8.20

#### 10. *Inspections other than while on Tour*

The deputy commissioner is required to inspect a number of offices including the sub-treasuries, the office of the sub-divisional officer at the headquarters, the local jail, the municipal office, etc. Generally "the information furnished by the hierarchy is of course very great, but it does not always include that which the hierarchy wishes not to report. One institutionalised means of information is the inspectional service".<sup>19</sup>

There are also two important ways by which the deputy commissioner exercises control and supervision over the work of the subordinates, by (a) the system of control by returns and reports, and (b) the system of control by inspections. The control exercised through returns is not very effective, firstly there is the difficulty of checking the accuracy of the returns and secondly the explanations which accompany so many returns are drawn up by the lower grade assistants and lastly the returns cannot explain the methods employed for doing the work.

The percentage of time spent on this item is more or less the same in all the districts, because most of the inspections have

<sup>19</sup>L.D. White : *Introduction to the Study of Public Administration* (New York, 1955), p. 83.

been prescribed under the rules and they are obligatory. The slight variation is due to the fact that the number of sub-divisions, jails, blocks, etc., differ from district to district and the time that a deputy commissioner asks for one inspection also varies from one individual to another. The role and the purpose of the inspections has already been discussed in detail in the earlier chapters.

TABLE  
INSPECTIONS AT HEADQUARTERS (OTHER THAN  
THOSE INCLUDED IN TOURS)

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Total time spent per week (mts.)</i>	<i>Percentage of time spent on inspections</i>
1.	Amritsar	4692	2.13
2.	Bhatinda	4302	2.09
3.	Ferozepur	4980	2.40
4.	Gurdaspur	3630	1.92
5.	Hoshiarpur	4488	2.00
6.	Jullundur	4740	2.10
7.	Kapurthala	3378	2.36
8.	Ludhiana	4488	2.67
9.	Patiala	4530	2.09
10.	Rupar	3420	2.92
11.	Sangrur	3780	2.64

#### 11. *Tours*

Major demand on time comes from tours, which he undertakes for variety of purposes, viz., for crop and Jamabandi inspections, inspections of mofussil offices, special drives and campaigns, hearing public complaints, distributing grants, meeting the families of jawans, etc. According to the norm in para 4.5 of the district office manual (2nd edition), 1942, the deputy commissioner in the Punjab should spend annually at least 3 months (including 67 nights) away from the headquarters in order to exercise effective supervision on the spot, to keep in touch with the people and to have frequent opportunities of that informal and frank discussions with them which are only possible in the camp. The actual touring done by all the deputy commissioners for one year is given on next page.

TABLE

NUMBER OF DAYS SPENT ON TOURS  
(APRIL 1, 1966 TO MARCH 31, 1967)

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Total number of days spent on tour</i>	<i>Total number of nights staying out</i>
1.	Amritsar	63	20
2.	Bhatinda	128	69
3.	Ferozepur	137	59
4.	Gurdaspur	186	65
5.	Hoshiarpur	115	34
6.	Jullundur	94	33
7.	Kapurthala	120	20
8.	Ludhiana	60	12
9.	Patiala	127	73
10.	Rupar*	45	55
11.	Sangrur	94	39

\*The district of Rupar was created in November 1966.

In the Punjab, there are 11 districts and 12,891 villages, so on an average about 1,172 villages in each district. The deputy commissioner is required to tour 90 days in a year. He cannot visit, say more than five villages in one day if he does nothing else but only goes on listening to the people. He would require about 235 days of touring and according to the norm fixed, about three years to complete this task. The average stay of the deputy commissioner in the Punjab is about a year and a half, therefore, at that rate it is doubtful whether about half of the villages will ever be visited by him.

The sub-divisional officer has to tour 120 days within a year (with 90 nights out) and there are 37 sub-divisions in the Punjab, so about 348 villages in each sub-division. As he is an officer on the spot and many leaders and important people of the villages know him, he cannot tour more than 3 villages in one day, therefore, in a year he can visit each village once at the most. In order to make tours effective, before the tour programme of the deputy commissioner is finalised for the next month, the sub-divisional officer should be contacted and such an arrangement should be made so that the village or the group of villages which

are to be visited by the former may not be visited by the latter separately.

Generally, it has been noticed that sub-divisional officer accompanies the deputy commissioner when the latter visits the sub-division, and this duplication of supervision can very easily be avoided. In the presence of the sub-divisional officer the people cannot tell their grievances against the administrative machinery at the sub-division level frankly and the deputy commissioner cannot accurately judge the impact of the officer's action on the people.

It is a general complaint that the office work of the deputy commissioner is neglected when he goes on tour. If it is so, it may partly be due to the procedures and methods, which are more cumbersome, rigid and century old. There are inadequate means of communications like telephones, wireless, etc. In many of the sub-divisions, the basic materials like typewriters, etc., are not yet supplied in a sizable number. In the twentieth century when other parts of the world are using electronic computers, all work and calculations at tahsil and district offices are still done by hand and by human memory.

The limit of 2 months (67 nights) was fixed in the Punjab when there was hardly any work on the development side and there was no sign of panchayati raj institutions at such a large scale. The deputy commissioner is now not only the head of the revenue and general administration but is required to take many decisions on the spot. Compared to other states of India, in the Punjab number of days to be spent in a year on tour appears to be satisfactory but if we take into consideration the strategic location of the state and the responsibilities cast, some increase in the prescribed days may be helpful.

The present conditions are as such that touring in the villages is necessary for (a) putting an end to the tyranny of the village bosses, (b) to see that the rules and regulations are properly observed and not mis-used or abused, and (c) to study the problems and needs of the people. The correct type of touring also keeps the entire district machinery to its toes. The limit of three months touring may, therefore, be revised.

TABLE  
COMPARATIVE STATEMENT OF TOURS PRESCRIBED  
UNDER THE RULES IN DIFFERENT STATES OF INDIA

<i>Sr. No.</i>	<i>Name of the State</i>	<i>Total number of days to be spent in a year</i>	<i>Total number of halts/nights staying out in a year</i>
1.	Andhra Pradesh*	150	50
2.	Assam*	80	60
3.	Bihar (to be fixed by Commissioner annually 60-100)		
4.	Gujarat	120	80
5.	Jammu & Kashmir*	90	67
6.	Kerala	120	30
7.	Madhya Pradesh	80	40
8.	Tamil Nadu	150	50
9.	Maharashtra	120	70
10.	Mysore	N.A.	N.A.
11.	Orissa	90	45
12.	Punjab	90	67
13.	Rajasthan	60	30
14.	Uttar Pradesh	90	67
15.	West Bengal	N.A.	N.A.
16.	Nagaland*	80	60
17.	Haryana	90	67

\*Figures based on interview.

SOURCE : Revenue Manuals of the different states and interviews.

In the Punjab, neither the minimum duration nor the time or season of the tour is prescribed.<sup>20</sup> In Bihar, for instance, the duration of the tour is fixed annually by the commissioner but the minimum to be spent by the collector on tour must be on nights. He is further required to spend a considerable portion of the cold weather in touring in those parts of his district which are not accessible at other times of the year. The deputy commissioner "should plan out his touring for the season so as to cover an adequate area of his district. It is possible for him to spend five or six days in tents, moving camp two or three times and then return to headquarters".<sup>21</sup>

<sup>20</sup>In Orissa, for instance, performance of at least two tours of about 5 days or one tour of 10 days duration in each of the half year is obligatory. In Madhya Pradesh it is laid down that each tour should be of not less than 7 days duration.

<sup>21</sup>Miscellaneous Rules of Board of Revenue, Bihar, 1958 Rule 40. The collector in Uttar Pradesh is required to make at least 60 night halts during his winter touring.

In the Punjab, there are special occasions like harvest seasons and Diwali days when there are frequent breaches of law and order in the villages. Fixing a minimum limit of touring of these periods might prove beneficial to him for watching the state of crime and other details in his area. However, if most of the touring is confined to open season, he may be able to visit the area quite deep. The monsoon period (which is not long in the Punjab) can with advantage be utilised at headquarters for preparing, planning and review of various development schemes.

However, to be effective, touring must be thorough and not merely formal. Mostly it has been observed that the deputy commissioner takes the jeep view of the countryside. Laying stress on horse riding would enable him to go deep into the countryside and also might provide an excellent recreation.<sup>22</sup> While touring, if he cares to keep notes and writes a full daily diary touching various aspects of the problems, in the event of his being transferred, it might prove helpful to his successor in knowing the problems of the area in the right perspective and in a more intimate way. We should not forget that touring is a habit to be formed in younger days, "It is a psychology to be encouraged at an early age. *The sooner we return to that philosophy the better will it be for improving the tone of administration.*"<sup>23</sup>

These correlation coefficients have been tested under the Null hypothesis,  $H_0 : r=0$  with the help of the Statistics,

$$t = \frac{r}{\sqrt{1-r^2}} \sqrt{N-2}$$
 where  $N$  is the number of the districts;

$t_{xy}=5.83$  and  $t_{xz}=2.36$ . At 5 per cent confidence level, the correlation coefficients are significant which shows that the time spent by the deputy commissioner depends on the size of the population and the area of the district. It could also be inferred that the workload depends more on the size of the population than on the area of the district. The diagrammatic representation of the data has also been included.

<sup>22</sup>Report on the Reorganisation of the Collectorate, Government of Uttar Pradesh, 1956, para 20.

<sup>23</sup>Report of the Reorganisation of District Revenue Offices, Government of Bombay, 1959, p. 42. Emphasis added.

TABLE  
CORRELATION\* BETWEEN WORKLOAD, POPULATION  
AND AREA OF THE DISTRICT

<i>Sr. No.</i>	<i>Name of the District</i>	<i>Average time spent per day hrs. (X)</i>	<i>Population in lakhs (Y)</i>	<i>Area in sq. km. thousands (Z)</i>
1.	Amritsar	13.33	15.35	5.08
2.	Bhatinda	11.95	10.55	6.88
3.	Ferozepur	13.83	16.19	10.07
4.	Gurdaspur	10.83	9.79	3.45
5.	Hoshiarpur	12.48	8.73	3.97
6.	Jullundur	13.17	12.27	3.48
7.	Kapurthala	9.38	3.44	1.67
8.	Ludhiana	12.48	10.23	3.43
9.	Patiala	12.58	10.49	4.99
10.	Rupar	9.50	4.72	2.09
11.	Sangrur	10.50	9.60	5.13

$r_{xy} = 0.89$	$r_{xz} = 0.62$
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Area Sq. Km. in thousands			
	Less than 4	4 to 6	More than 6
More than 12	Jullundur	Amritsar	Ferozepur
8 to 12	Hoshiarpur	Patiala	Bhatinda
	Ludhiana		
	Gurdaspur	Sangrur	
Less than 8	Kapurthala		
	Rupar		

Major trends evolving from the above analysis are:

1. The deputy commissioner in every district is overworked. While in smaller districts like Rupar and Kapurthala the charge is manageable, in bigger districts like Ferozepur, Amritsar and Jullundur the average workload is heavier.

2. Among all the items of work, case work consumes the maximum time in all the districts. In Patiala division excepting the district of Bhatinda, the case work is comparatively heavier than in all the districts of Jullundur division. Time spent



on passports, licences and civil defence is negligible. Most of the case work relates to revenue matters except in Rupar and Gurdaspur where the first priority goes to development.

3. Except in three districts (Hoshiarpur, Ludhiana and Rupar), the time spent on visitors is more than the time spent on court work.

4. In most of the districts the time spent on official discussions is almost equal to the time spent on the telephone calls. The time spent on inter-departmental discussions is relatively poor. The deputy commissioner of Patiala division spends more time on telephone calls than on official discussions.

5. In Jullundur district the time spent on VIPs is more than the time spent on court work. In most of the districts the time spent on attending VIPs is almost double than the time spent on meetings except in Sangrur where it is equal and in Ludhiana, Jullundur, Hoshiarpur and Gurdaspur where it is three times.

6. The percentage of time spent by each deputy commissioner as district magistrate is negligible. It is even lesser than the time spent by him on attending to events of unforeseen nature.

7. In the districts where the headquarters lie on the main railway line or Grand Trunk Road (e.g., Ludhiana, Jullundur and Amritsar), the deputy commissioners seem to spend more time on attending VIPs.

8. The time spent on official meetings in the border areas adjacent to Pakistan, e.g., Ferozepur, Amritsar, and Gurdaspur, is comparatively more.

9. In general the time spent by him on attending the social and other functions is very negligible, even lesser than the time spent on events of unforeseen nature.

10. The case work and attending the public takes away about 44 per cent of his time and if court work is added to it, only 42 per cent of the time is left with him to attend to other official duties.

11. The number of days that he goes on tour in a year is not uniform. It varies from district to district.

12. There appears to be a very high degree of correlation between the amount of workload and the population of the district (.89) and a high degree of correlation between workload and area of the district (— .62).

### *Assessment*

The efficiency of an organisation depends upon the administrative machinery or rather inter-relations on a hierarchical basis existing among its constituents in terms of the authority relationships, both of the structural and of the procedural character. It has to perpetuate its existence, building up strong bones, muscles and nerves. It has also to grow steadily "to meet the expanding needs of the developing state as an instrument for its policy implementation".<sup>24</sup>

The increase in the workload of the deputy commissioner and the variety of the functions that he performs, has made the organisational pattern at the district level appear complex and confounding. There is no single hierarchical pyramiding in the district administration. Revenue structure, the only one of the many structures is less known and still less appreciated by the masses. The deputy commissioner forms the simple apex in all the hierarchical pyramids at the district level and he functions as a subordinate to more than one authority. The responsibility to his superiors and his authority over his subordinates in the 'scaler' chain is not well-defined. It seems to have the following effects on the workload :

(a) It is not improbable that the deputy commissioner may not take the same degree of interest and initiative where he is not the master of the situation as he otherwise would do.

(b) People in the district can hardly understand the distinction between one officer and another so they do not know whom to address applications and the correspondence may not be carried on with the proper authority. Papers may not reach the proper sections or offices in time. Reminders, too,

<sup>24</sup>*Report on the Impact of Changes in the District Administration since Independence on Kheda District*, 1962, p. 8. A Research project undertaken under the auspices of the Local Branch of the Indian Institute of Public Administration at Ahmedabad.

may be misplaced or misaddressed. It adds to delay in disposing the cases and the dissatisfaction of the public may continue to mount up.

(c) In the absence of the knowledge of clear cut distinctions, the total workload on all sections/offices increases because every body else's business becomes the business of everybody else, in addition to his own business. It becomes impossible to trace the paper. Sometimes people seek guidance from and hold consultations or discussions with the staff who may not be concerned with the subject matter.

During the interviews, it was felt that there are very few officials, right from the top to the bottom, who knew exactly what they were expected to do. The Rules and Regulations of the Government, various Acts—both Central and State and Instructions issued by other departments from time to time—prescribed multifarious functions to be performed by the deputy commissioner with the assistance of his organisation. He cannot, nor is he expected to remember everything himself. There must be some method, by which, any time, up-to-date and authentic information with regard to powers, duties, rights and responsibilities of the district administrative machinery may be available both to the organisation and the people. The various section officers have only a sectional or a piecemeal view. A very few of them seem to have a complete knowledge of the minutest details of the functions which they are expected to perform and execution of the task will be effective if a person knows that it is he who has to do it and if he knows how exactly to do it. The system which is followed in some of the states of India, of publishing from time to time a Manual containing detailed particulars of the different functions and the procedures to be followed for their performance by all officials from tahsil upwards seems to be helpful to the officials.<sup>25</sup>

The average workload per day in the Punjab (excluding Sundays and other holidays), comes to about 11 hours and 43 minutes. If Sundays are also taken into account, the average workload per day would further increase by at least an hour :

<sup>25</sup>Such a system was followed in the old Baroda State. Refer *Report on the Impact of the Changes in the District Administration since Independence on Kheda District*, op. cit., p 67

obviously the deputy commissioners are overworked and have been reduced from the field officers to the secretariat officers. This trend needs to be checked if they are expected to be effective field officers. If a deputy commissioner has not more than 6-7 hours of work in a day on an average, he may be able to do better justice to his field duties. In the districts of Ferozepur, Amritsar and Jullundur, he is doing almost double the work than what he is normally expected to do. With the proper decentralisation of authority, the charge in most of the districts is likely to become manageable.

The administration of a district can be properly conducted by him if he is not tied down to the desk work and if he has sufficient freedom and leisure to acquaint himself thoroughly with all the parts of the area, its people, its problems and their possible solutions.<sup>26</sup> He is so overworked that in most of the cases he is left with very little time for supervision and personal inspections of the branches. It is only by maintaining personal contacts with the officials, that he can get the best out of them. Movement of urgent papers also becomes simplified and an occasional walk around the office ensures alertness and smartness. The officials and the public feel that his eye is on every one.

There are three methods to reduce the workload of a deputy commissioner:

- (a) to cut down the size of the district;
- (b) to give assistance of extra staff; and
- (c) to cut down his workload.

As regards the manageable size of a district, it is purely a matter of judgment rather than that of a formula. Even if it were possible to determine an average district by the number of villages or area or collection of land revenue, it will not provide with a practical solution because this will create problems far more troublesome than even those presented by the States Re-organisation. However, there is a big gap in area, population, etc., of the districts and by making them uniform, some disparity

<sup>26</sup>Kapurthala has the smallest area 1,665 square kilometers followed by Rupar 2,088 square kilometers whereas in Ferozepur area is 10,070 square kilometers, about 6 times. This aspect has already been discussed in detail.

in the workload might reduce. This aspect has already been discussed in detail.

As regards extra assistance, the experiment of appointing additional deputy commissioners has been tried in the Punjab on two occasions, e.g., at the time of Chinese and Pakistan's aggression, but soon after the war was over, they were withdrawn. During emergency as the one created by war, the emphasis of work is entirely different and the problems of inter-relationships among the officials are not serious. The institution of additional deputy commissioners does not seem to work satisfactorily so it had not been tried under normal circumstances. The overall control in the person of the same grade at the same station seems, firstly, to be unnatural and hence not conducive to smooth working. Secondly, whenever a clear vacancy occurs in any district, one of the additional deputy commissioners is appointed to that post primarily to check that his juniors may not be holding the independent charge of a district while the former is being tied down to another deputy commissioner. Thirdly, due to his having put some time in performing the duties of the deputy commissioner he gets a prior claim over a fresher who has never worked in a district in that capacity. Such cases would add to further quick transfers and due to quick and sudden changes, there might be the problem of proper adjustments and settling down.<sup>27</sup> Some people suggest that there should be joint deputy commissioners in some of the districts but this is in no way different from the institution of additional deputy commissioners. Rather it might prove more harmful. When both the officers are of equal rank under the control and supervision of the same officer, i.e., commissioner, it may be difficult to fix responsibility, "joint responsibility is nobody's responsibility". Another problem also might arise. A joint deputy commissioner (due to the limited cadre of I.A.S.) may belong to a state cadre of services and he might feel extremely embarrassed while performing parallel duties with an officer of a superior cadre. Moreover, it may not appear to be a healthy practice for the joint deputy

<sup>27</sup>In Bombay, 14 officers officiated as additional collectors in 6 posts for less than four months each. *Report of the Reorganisation of District Revenue Offices*, Government of Bombay, 1959, p. 27; in the Punjab also, the average stay of an additional deputy commissioner was about two months.

commissioner belonging to a lower cadre service (say P.C.S.) to pass orders in appeal over his colleague's decisions. As regards the personal assistant to the deputy commissioner, he can at the most only help in preparation of papers but the final application of mind (whether it is an order or a report to higher authorities) can only be latter's responsibility. Unless the government agrees that the personal assistant may act as deputy commissioner in some respects on the directions of the deputy commissioner, there is likely to be no relief to him. The additional officer, if appointed should be empowered to perform all duties as deputy commissioner, district magistrate and collector in order to be able to attend to the court cases and other executive duties respectively.

There are some deputy commissioners who believe that the inter position of a gazetted officer between them and the people will impair the latter's direct access to the former which is considered so necessary and further "the personal assistant would be resented by the district officers' principal deputies who would suspect him of screening the submissions made by them to the district officer".<sup>28</sup>

This fear was contradicted by the majority of district officers who appeared before the Bengal Administrative Enquiry Committee and felt that "a good personal assistant will be invaluable to a district officer and there will be no difficulty in so arranging matters that the resentments feared by this colleagues will not arise".

Since Independence we have been mercilessly adding more and more new items to the deputy commissioner's sagging back and this way the institution of deputy commissioner might soon perish or break. Some delegation of work has been tried but in most of the cases instead of the delegator getting relieved, it has created dual control and one more court of appeal.

The separation of judiciary from the executive in all the districts of the Punjab and the setting up of a Directorate of local bodies has considerably lowered the workload of the deputy commissioner. The delegation of powers with respect to duties

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<sup>28</sup>The majority of the members of the Bengal Administrative Enquiry Committee (1944-45) held the view. Refer para 98.

regarding passports and licences has also stood in good stead. By the appointment of another whole-time I.A.S. officer in charge of development as has been suggested earlier, the workload might decrease further.

In selecting the work to be left with the deputy commissioner, if it is decided to give him some extra assistance, only laying down of a general pattern may be desirable and the working out of the details be left to each individual. It is necessary also because details differ from district to district in a better way. It may be left to the deputy commissioner to give any duty to or take back the same from such officers as and when warranted by the circumstances.

## CHAPTER XI

### DEPUTY COMMISSIONER IN PROSPECT AND RETROSPECT

We have seen in the preceding chapters how the role of the deputy commissioner has undergone change during the last two decades. We have also noticed how it is no longer practicable for him, no matter how competent and professionally committed he be, to do full justice to the numerous, expanding responsibilities he is called upon to shoulder today. In the context of the political, economic and social changes which have taken place since Independence the task of the deputy commissioner at present is both difficult and delicate. The institution has lost quite some of its prestine glory and prestige. It, however, continues to occupy a pivotal position in the machinery of the government in the states. The new increased responsibilities of the deputy commissioner in the spheres of development and welfare call for a basic reorientation of the role of this key functionary. We shall, therefore, review briefly in this chapter the main findings of this study in relation to the Punjab and put forward some suggestions which should enable the deputy commissioner to face the new demands and challenges more effectively and also give him larger self-fulfilment in the job.

The grant of Diwani to the East India Company in 1765 was the starting point of British revenue administration in India and revenue collection was the most important duty of the collector to which all other functions were largely subservient. In 1786, magisterial powers were assigned to him with the intention to strengthen his authority and prestige as the fiscal agent of the government and its local representatives. As collector, he was concerned with collection of land revenue and welfare of those who depended on land for livelihood. Too much of preoccupation with the collection of all kinds of dues, using coercion where necessary, bred in his mind a temperament suited to a regulatory form of administration. The annexation of the Punjab in 1849, added to his powers and he became the sole head of the district, practically a local governor exercising a wide ranging



superintendence and control. The Punjab system showed a remarkable tenacity in helping to stem the tide of revolt during the mutiny of 1857. Campbell and others felt that there was a real need to strengthen his position and make him the executive chief of the district. The efforts of Lord Curzon to increase the importance of "Men in the Districts" and the proposals of the Decentralisation Commission (1907-9) helped to boost up his authority and he became a sort of *primus-inter-pares* in respect of all other officers at the district level and the symbol of the British rule.

Montagu's reforms of 1919 introduced certain political changes and the deputy commissioner had to take cognizance of new, emerging political forces. The introduction of provincial autonomy in late thirties changed the framework of the collector's functioning and brought him in direct contact with the politicians. After Independence, the collection of land revenue and law and order lost their old, overwhelming importance and the deputy commissioner was called upon to deal with several new functions concerning economic development and welfare of the people. The advent of parliamentary form of government brought in its wake new problems of relationship with the political leaders—the people's representatives at the local level.

Since the reorganisation of district administration in 1953 in the Punjab, two important developments have necessitated rethinking on the subject: firstly, the introduction of Panchayati Raj in October, 1962 and secondly, the separation of the Judiciary from the Executive in 1964. In addition, the mounting tempo of development, the growing economic difficulties which the people have to face and the increasing political awareness among the people have added a new dimension to the deputy commissioner's role as the head of the district administration in general.

The collector's responsibilities in the realm of land revenue and land management, though somewhat reduced in volume, are today in some ways more complex and difficult. The land laws in the Punjab are becoming more elaborate and the number of holdings and right holders is increasing because the state government has adopted a policy of "land for the tiller". The revenue officers and the deputy commissioner have necessarily to give more attention to this work. The deputy commissioner is all the same saddled with law and order and supervisory work,

and with increased emphasis on his developmental responsibilities he is not finding adequate time for his revenue functions. The sub-divisional officer, tahsildar and naib-tahsildar, etc., are engaged, along with small savings, development, emergencies of all kinds, and visits of the VIPs and ministers.

By history, conventions, training and even the people's expectation the collector is well suited to the revenue administration. This is an age of specialisation, and the days when knowledge was limited and when a person could manage multi-directional activities are long over. Today the people expect the collector to be knowledgeable about the intricacies of economic growth and the interplay of the forces in a democracy. The revenue functions of the collector are as important today as they were in the past and he needs to have adequate time for a thorough study of various revenue laws and regulations, as also better staff aid to enable him to perform his revenue duties more effectively. Again, no scheme of rationalisation of assessment and collection procedures and land reforms can be effective if the deputy commissioner does not develop the attitude of "consciously and consistently preferring service to the rule". This attitude has been cultivated by some of the officers but not by all.

The traditional role of the deputy commissioner of shouldering full responsibility for the maintenance of law and order in the district has been subjected to a slow process of abridgement. After the coming into operation of the scheme of separation of the Judiciary from the Executive the responsibilities of the deputy commissioner as the district magistrate have decreased. There is already a suggestion of the Law Commission that even trial of cases, under the preventive sections of Criminal Procedure Code, should be transferred to Judicial Magistrates as is the case in Madras to make the separation scheme complete. In that case, district magistrate along with his team of executive magistrates will have more time to look after executive functions. It will also save the executive officers from the embarrassment of deciding criminal judicial cases, howsoever petty they may be. The control of police and looking after the peace and tranquility of the district will then be the only magisterial function left with the district magistrate. This should enable him to concentrate more on the developmental side of his role.

The mounting desire of the police to get rid of the control of district magistrate, which they term as antiquated and incongruous has created uncertainty in certain quarters as to the future of the magisterial part of the office of the deputy commissioner. Wherever there has been a tendency on the part of the superintendent of police to set up a parallel administration in the district, the criminal work has considerably suffered. In certain cases, superintendents of police have received instructions directly from the Inspector-General of police and if this practice is encouraged or allowed to continue, there will be no harmony in the district administration. In a democracy, the supremacy of civil administration over military and police cannot be overlooked and it has to be maintained. It is to the deputy commissioner that the Government looks for maintenance of law and order and it is he who is taken to task by the Government if things go wrong. Consistent with the spirit of Criminal Procedure Code and other relevant enactments, the superintendent of police must necessarily be under the control of the district magistrate, who should continue to be the head of the magistracy as well as the head of the police and the prosecuting agency. Confidential reports on the work of superintendents of police are written by the collector in many states, *viz.*, Kerala, Tamil Nadu, Andhra Pradesh, West Bengal, Gujarat, Maharashtra and Mysore. This practice has generally worked well, and if it is adopted in the Punjab, it will enhance the deputy commissioner's effectiveness as the preserver of law and order.

In order to further strengthen the hands of district magistrate, he may be empowered to enquire into public complaints against the police. However, in this field certain reservations will have to be made. As a general rule, the deputy commissioner should only make enquiries into cases where, in spite of applications and petitions, the police has not taken any action, and any such enquiry should be ordinarily conducted in a manner which will not undermine the prestige of the superintendent of police in the eyes of his subordinates.

District administration provides the link between the citizens and the process of government. Until recently the administration at the district level was confined mostly to collection of revenue and maintenance of law and order, ensuring adherence

to the rules through a system of inspections and checks. It has since come to play an important role in the field of development and welfare. It has thus become necessary to redefine the role and powers of the deputy commissioner. The deputy commissioner is today in most states (except Maharashtra and Gujarat) the prime mover of development activities in the district. While the role of the deputy commissioner has changed in its character and content and his status and prestige has also been diluted, the institution continues to occupy a key position in the process of governance. The office of the deputy commissioner is looked upon as an instrument for imparting cohesiveness to the expanding, diversified district machinery of the government. The collector is not an individual officer. He is an institution.<sup>1</sup> The deputy commissioner is responsible for coordinating the activities of the various development departments in the district. The ultimate, organisational and professional control lies with the respective heads of the departments. The deputy commissioner is not expected or required to look into the technical working of any department. The role of the deputy commissioner is to see that any programme, scheme or work being undertaken in the district fits into the overall policy and programme of the government and best serves the needs of the people in the area. The deputy commissioner exercises administrative control, and the technical heads of departments exercise technical control. The need for such dual control arises from the necessity of having, at the district level, a focal point for the effective and coordinated functioning of the district administration as a whole. True, there is a dual line of supervision and control from top down, and a dual set of loyalties from bottom up. The role of the deputy commissioner in this context is that of a coordinator and a general administrator who has to view things as a whole and not from the limited, narrow perspective of a single department. The annual confidential reports on the performance of the district level officers of agriculture, animal husbandry and cooperation departments are initiated by their regional or divisional officers and forwarded to their heads of the departments through the deputy

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<sup>1</sup>J. Shukla : "The Collector in the Nineteen Sixties", *Indian Journal of Public Administration*, Vol. XI, No. 3, July-September 1965, p. 594.

commissioner who adds such comments as he considers appropriate. As regards officers of other departments at the district level the deputy commissioner writes their character rolls in regard to their reputation, honesty and public cooperation and their performance on the better implementation of development schemes. Officers dealing with technical subjects like agriculture, planning, irrigation and public works, feel that they should be immediately responsible to their respective directorates or regional offices and the deputy commissioner should not be in the picture at all. Pending the setting up of better machinery, the general responsibility and administrative control of the deputy commissioner over these fields, however, seems justified on two grounds. Firstly, unless there is another authority on the spot with a general responsibility and recognised superiority over the district developmental officials, the work of development would not be carried on effectively in an integrated manner. Secondly, the day-to-day decisions and activities at the district level need to be controlled by an officer who is posted fully with local circumstances and sentiments, then by departmental heads located far away.

With the growth of science and technology the experts have come to play a very crucial role in administration. At the district level, the deputy commissioner must appreciate the increased role of experts in the administration and the latter should not regard the former as an ignorant bureaucrat. If such an adjustment is not achieved, the result could well be a serious strain in mutual relations and even periodic explosions, which would ultimately retard progress. Ultimately, "It is a matter of personalities rather than of organisation. If the administrative class are to have at all levels the last word it must be tactfully and understandingly said. No administrator could deny the importance of technical considerations, therefore, no administrator who is any good should deny the expert his say. Conversely, no specialist who is any good should assume that his administrative colleague is an ignorant bigot. Where the attitude is one of mutual understanding the public service benefits greatly."<sup>2</sup>

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<sup>2</sup>Monck Bosworth : *How the Civil Service Works* (London, 1952), p. 39.

The advent of Panchayati Raj institutions has led to some basic rethinking about the role of the deputy commissioner in regard to development programmes at the district level. Each state has defined his position in relation to the panchayati raj bodies to suit its particular local conditions, and it varies from state to state. At one extreme, in some states, he presides over and he is the Chairman of the Zila Parishad; on the other in some states (like Maharashtra and Gujarat) he is mostly outside the panchayati raj system. In the Punjab he is a member of the Zila Parishad without right to vote. The Panchayati Raj is a nascent plant which is yet to be reared and nurtured carefully and continuously lest it should wither and in its place, "we may have a bumper harvest of pernicious weeds".

The deputy commissioner, on account of preoccupation with revenue administration and law and order normally, does not seem to take adequate interest in development work and the functioning of the panchayati raj bodies. He attaches greater weight to functions for which he is directly responsible to the government than to the development work for which he shares the responsibility with the development departments. The deputy commissioner, it is reported, follows mostly "the line of least resistance" and let the "things go as they are, taking everything easy". The expectation that the three-tier structure of particular bodies would have been well established all over the state by the end of the Third Plan period has not been fulfilled. This has raised serious doubts about the suitability of the present administrative arrangements. Duality of command over district development heads does not make for speedy action.

The successful and efficient implementation of the development programme, like community development, national extension programme depends as much on the coordinated functioning of various agencies of government as upon the initiative and cooperation of the people. The present machinery at the district level for handling developmental work lacks a clear-cut and integrated operational framework. Socio-economic and political changes can be brought only through a series of programmes designed specifically to attain certain well-defined objectives and goals expressed in operational

terms.<sup>3</sup> This calls for a change over from the traditional organisational structure and procedure-oriented system to a closely integrated, "managerially-oriented" programme organisation. Various functions may need to be inter-twined in order to meet the objectives of a single-programme organisation. The structural and behavioural inputs may have to be carefully integrated to develop capability for attaining the programme targets or administrative "ends".

The Punjab Administrative Reforms Commission (1965-66) recommended the adoption of Maharashtra pattern of panchayati raj in the undivided Punjab. The responsibility for coordination and overseeing the implementation of the development activities in the district is, under the Maharashtra system, assigned to the chief executive officer of the Zila Parishad. This officer has more or less the status of the district collector. The new role of the deputy commissioner, apart from revenue and law and order work is mostly confined to general coordination between the "local" and "state" sectors of development and the general supervision of the working of panchayati raj institutions. The Punjab Administrative Reforms Commission thought if the deputy commissioner is to effectively exercise his authority in other spheres of administration, he should be kept outside the Zila Parishad.

In the scheme of nation building, the Punjab is supposed to play a two-fold role to be a sword arm of India and to be its granary. The nation has today to wage a battle on two main fronts (1) to meet the continuing threats of aggression by China and Pakistan; and (2) to resolve the problem of low agricultural production *vis-a-vis* the population increase. On a balance of considerations it appears that the Maharashtra system of panchayati raj will be quite suited to the Punjab.

Both the deputy commissioner and the chief executive officer of the Zila Parishad (when appointed) must belong to I.A.S. cadre. The latter may be somewhat junior to the former in service to avoid any heat burning and controversy. Both must work as colleagues under the overall supervision of the

<sup>3</sup>V.K.N. Menon : "Administrative Implications of States Reorganisation", *Bulletin of the Institute of Public Administration*, Patna University 1956, p 38.

commissioner. Almost every development function needs to be delegated to the Zila Parishad either directly or on an agency basis. The district technical officers should belong to the respective state cadres but under the day-to-day administrative control of Zila Parishad. It should be their job to execute the decisions of the Zila Parishad, conforming all the same to the general technical standards prescribed by their departments.

Under the above proposed set-up, the deputy commissioner will be relieved of his present coordinating role in regard to development work. This responsibility will rest with the chief executive officer of the Zila Parishad. Such an arrangement will also give the commissioner a worthwhile role in the developmental effort in the division. He would guide and supervise the work of the different chief executive officers in the districts. Instead of diluting the district administration, as is feared in some quarters, the proposed scheme will provide effective machinery for carrying out both developmental and non-developmental work and their proper integration. The day-to-day control over the officials placed at the disposal of the Zila Parishad will be exercised by its chief executive officer. It is he who would initiate the annual confidential reports of the officers dealing with development and his observations should be given due weight by the departmental heads. To make the scheme of decentralisation complete, the different development departments should place their departmental funds at the disposal of the Zila Parishads, and the latter should augment them by their own resources.

In the Punjab, the sub-divisional officer is at present the executive officer of the Panchayat Samiti, and his work in the proposed pattern will come under the supervision of both the deputy commissioner and the chief executive officer of the Zila Parishad. Both the senior officers will report on his work—the deputy commissioner on his work as an agent of the government at the district level; and the chief executive officer, on his work as executive officer of the Samiti. It has been pointed out that such dual control over the sub-divisional officer is likely to be frustrating and unworkable. This objection can be met by the issue of clear-cut instructions by the government. The divisional commissioner can intervene in case any serious difficulty arises.



According to a school of thought the deputy commissioner should be regarded as a "scaffolding", to be employed when the building is in progress and dispensed with once it has been completed. It contemplates that when all the development activities of the government in the district are transferred to panchayati raj institutions, the chief executive officer of the Zila Parishad will emerge the prime leader of the district. There is also a demand some times and especially by police officer that the deputy commissioner should be divested of his law and order functions by transferring them to the superintendent of police. If this happens, the deputy commissioner will no longer be "the eyes and ears" of the government and would become mostly the revenue and civil supplies officer. Revenue matters and civil supplies are also of an interest to panchayati raj bodies. People have already started demanding that land-reforms should be left to the people's representatives at the district level. One can, therefore, visualise that after several decades it may be that the panchayati raj institutions take over all the functions which are at present performed by the deputy commissioner. But such a development is likely to take place only if the panchayati raj bodies go on continuously gaining strength. If political leadership at the district level develops on the right lines and if the Indian way of life gets fully democratised. These are, however, wide assumptions. But if they are fulfilled, the office of the chief executive may even become an elected one.

The deputy commissioner is at present the chairman of the District Agricultural Production Committee which looks after the problems of overall coordination for increased agricultural production. He is a generalist who at best has only a working acquaintanceship of the various techniques used in agriculture. His main task is to knit together all the departments dealing with development so that technical officers may not experience any difficulty.

In every district of the Punjab, there is a development branch in the collectorate which deals with planning of development programmes and agricultural production. It functions under the supervision of district development and panchayat officer who usually belongs to the provincial civil service and has 3-4 years of service. As most of the officers of development departments

at the district are quite senior to him in age, experience, rank and service, he cannot be of much help in coordinating the development work effectively. The secretariat of development branch consists of one assistant and two clerks. Surprisingly enough, there is usually no technically qualified person for purposes of planning in the office of the deputy commissioner. Lack of experts in planning of development programmes and for constant watching of plan performance has been one of the weakest links in our planning process.

At present, there exists no adequate resource survey for the district which can serve as the basis for planning. We are mostly concerned with the working out of targets with the funds that we can find, without going into the detailed operational requirements. It is necessary that the planning at the district level is resource-based. It would thus be a long drawn out process, and *ad hoc* arrangements are not going to do much good. The primary data-collecting agencies at the district level will need to be strengthened. In order that planning at the district level may be more effective, it would be necessary to build a nucleus district planning cell, consisting of an agricultural economist, a land utilisation expert with knowledge of geography and the existing district statistical officer. Most of the activities at the district level in the Punjab relate to programming for agriculture. Accordingly there may not be any need for quite some time to include full-time experts in industrial economics or power and irrigation.

The Administrative Reforms Commission has in its final Report recommended that planning at the district level should be the responsibility of the development set-up in the district.<sup>4</sup> The Study Team on Machinery for Planning of the Administrative Reforms Commission suggested earlier the setting up of a District Planning and Development Committee, comprising of the deputy commissioner as the Chairman and the chief executive officer of the Zila Parishad and the President of the Zila Parishad as members. The Study Team also proposed that the District Planning Officer (if one is there) may function as the secretary of this committee which would be the chief

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<sup>4</sup>*Report of Administrative Reforms Commission on Machinery for Planning*, Government of India, 1968, para 120.

coordinating body for the formulation and implementation of District Plan.

As we have already said, the role of the divisional commissioner will assume a special significance if the developmental functions of the deputy commissioner are transferred to the chief executive officer of the Zila Parishad. The commissioner today, as the head of the division, performs the functions of co-ordination, guidance and supervision, pulling up where there is laxity and intervening whenever there is any conflict of authority or differences among officers. The position of the commissioner would need to be strengthened so that he can perform his role as the divisional coordinator and guide in the development effort more effectively.

It would be worthwhile to integrate tahsil administration closely with the sub-divisional administration as far as possible. In the bigger tahsils the sub-division may be made coterminous with them. In other cases, a few tahsils may be grouped together to make a sub-division. At present there is loose coordination between the tahsil and the sub-divisional administration mainly for two reasons. The tahsildars submit returns to the deputy commissioner direct. There is also a tendency on the part of some deputy commissioners to encourage tahsildars to deal directly with them. Every tahsildar wants to establish a personal equation with the deputy commissioner. If these practices continue, the role of the sub-divisional officer cannot be effective. Coordination is the need of the hour and the sub-divisional officer who is a representative of the deputy commissioner in the sub-division is the only official who can be very effective in co-ordinating various development departments at sub-division level. The sub-divisional officer should be given the maximum possible authority and a substantial part of the deputy commissioner's work should be delegated to him. He should be so speak the Collector of the Sub-division—taking responsibility and going to the collector for advice when he must. There should also be greater and greater decentralisation of authority to the tahsildars and naib-tahsildars and they should be encouraged to dispose of most of the work while on tour so that there is immediate relief to the public. Here, informal and interpersonal

communication can play an important role in developing friendly and constructive relationships.

The deputy commissioner has always played a key role in ensuring the smooth working of urban local bodies. He has certain powers under the Punjab Municipal Act, 1911, to regulate the functioning of the municipal committees. He is authorised to prevent extravagance in municipal establishments as also to supercede these bodies for malfunctioning. Following the recommendation of the Local Government (Urban Enquiry Committee), the Punjab Government set up in 1966 a separate Directorate to guide and supervise the working of the urban local bodies. The establishment of this Directorate has brought some relief to the deputy commissioner. But no officers have as yet been appointed at the district level by the Directorate, giving rise to certain problems of supervision, control and communication. Immediate steps need to be taken to fill this gap so that the Directorate can give effective guidance to the local bodies.

The administration at the district level is becoming more and more specialised and complex. There should be perfect harmony in the team of district officers. The field workers should get an opportunity to express themselves and learn by exchange of views. This will help provoke new thinking and an atmosphere of goodwill and understanding. An attitude of "counselling" will help to get more work done than an authoritarian approach would. The deputy commissioner should meet the subordinate staff preferably every month, at least once in three months, to understand and appreciate their difficulties, personal as well as official. Similar meeting should also be held by the sub-divisional officer.

Reporting is an important control device for watching the progress of performance, controlling costs and ensuring conformity with organisational policies and procedures. The Government of the Punjab has prescribed a number of periodic reports for the deputy commissioner. However, a proper scrutiny of these reports and returns is seldom done and are not used in any fruitful manner. The Agricultural Production Team, sponsored by Ford Foundation, points out : "It is easy for administrative systems to become pre-occupied with records and reports for the

purpose of mechanical paper controls and to loose sight of the programme purposes, and the human individuals that must carry them out. Record and reporting emphasis, unless carefully analysed, shifts easily from supervision and guidance to direction, command and inspection".<sup>5</sup> In other words, there needs to be carried out the various returns and reports in use with a view to reducing their number and simplifying their form.

The deputy commissioner is expected to carry out a number of inspections. But due to the lack of time and more pressing engagements, it is not possible for him to devote his full attention to this work. The traditional approach to inspection, *i.e.*, fault-finding is now out of date. Inspections have tended to become a formality, and the inspecting officer acts more or less simply as a signing machine.<sup>6</sup> He has seldom the time to go through the inspection notes or pass orders on these himself. The reports are often stereotyped, routine, formal, perfunctory, dull and uninspiring. After the inspection there is no vigorous follow up nor any quick compliance. In some cases it takes years to rectify the defects pointed out in the inspection report.

The existing inspection system need to be overhauled to emphasize its positive aspect and in this the deputy commissioner can show some good leadership. There should be full understanding between the inspecting authorities and the heads of the offices inspected about the purpose of inspection. The work of inspection should not be delegated to the subordinates. Inspections should neither be too frequent<sup>7</sup> nor need they cover every

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<sup>5</sup>*India's Food Crisis and Steps to Meet it*, Agricultural Production Team, Government of India, Ministry of Food and Agriculture, April, 1939, p. 125.

<sup>6</sup>"Some commissioners do not even look at the registers themselves, but cause them to be gone through by a Deputy Collector; and on this officer certifying them to be correct, the commissioner signs the books without further enquiry." *Bengal Salaries Commission Report*, 1886, pp. 36-39. Again, "There has been a tendency on the part of some officers to adopt wholesale the notes written by the clerks, without the officers themselves taking any trouble to find out the actual state of affairs in the office". *Report of the District Revenue Administration Enquiry Committee*, Vol. 1, Government of Madras, 1955, para 370, p. 149.

<sup>7</sup>"It is argued that unless inspection work is treated as a single function, management personnel will be descending upon operating officials in droves. The poor operating official will be constantly entertaining 'visiting firemen', or 'parachute jumpers', as the travelling supervisors from headquarters staff are often called. In order to protect the field offices, the argument goes, inspection activities should be restricted to a single staff office". J.D. Millet, *Management in the Public Service*, New York, 1954, p. 108.

item of work or procedure. The inspecting officer should be free to pick and choose the more important aspects. There should be regular and close follow-up to secure early compliance with the suggestions made in the inspection report.

With the spread of democracy, with the national Parliament at the apex and the village panchayats at the base, the increasing emphasis on welfare and development, the expansion of the public sector and the advance of urbanisation and industrialisation the role of the deputy commissioner was bound to change. The duties of the deputy commissioner as such require handling by a mature mind with vast experience and understanding not only of human relations but also of various other aspects of administration. Generally, the senior members of the I.A.S., are appointed to this post but due to the quick expansion of the I.A.S. cadre and absorption of very senior officers in the higher ranks, the age level of the present incumbents is comparatively low. The average for India was about 37 years and 9 months for direct recruits of the I.A.S during the period 1962-65. The corresponding average age of the deputy commissioner in the Punjab was 32 years during 1962-68. The average prior service experience is about 7-8 years; in the Punjab it was 6-8 during 1962-68. Presuming even that these young men represent the best of the Indian talent, the lack of maturity of judgment can be a hindrance. They are many a time not adequately equipped for dealing with emergencies and supervising generally the different district agencies. The deputy commissioner should have that much of maturity and detachment that local authorities look to him for advice and guidance.

The proportion of the non-I.A.S. officers occupying the post of the collector varies a good deal. It is at present 18.1 per cent in the Punjab; and much higher in Haryana, Assam, Maharashtra and Mysore. There is a general feeling that the officers promoted to the I.A.S. from the state administrative services and posted as collectors are amenable to political influences and pressures and do not compare favourably in the matter of initiative, drive and imagination with the direct recruits to the I.A.S. It is all the same generally agreed that the non-I.A.S. deputy commissioners are better acquainted with revenue and other laws

and procedures and are, perhaps, more responsive to the citizens' difficulties and needs.

With the mounting demand for including the specialist and technical administrators in senior management in government, a view is also taken that officers from non-administrative services should also be eligible for appointment as deputy commissioners provided they possess the necessary administrative ability. On the whole, it appears that the job requirements of the deputy commissioners are such as call for specialised administrative competence, particularly in regulatory administration. Special human relations ability is also needed to deal with political forces and large groups of people. Viewing the problem in this context it appears that the I.A.S. officers and those of the state administrative services who are in the Select List for promotion to the I.A.S. will continue to man the deputy commissioners' posts. A sprinkling of non-I.A.S. officers as deputy commissioners does obviously have a good effect but any large staffing of the deputy commissioner's posts by non-I.A.S. officers will be basically against the policy of having an administrative elite. The posts of the chief executive officer can, however, be filled by those who are best equipped from among development administrators, depending upon the dominant characteristics of the development activities in a particular district. The Indian Administrative Service has to perform the stabilising and unifying role and serve as the "steel-frame" of Indian administrative set-up. The officers who are directly appointed to the service should set the tone of the service, jealously guard its traditions and help determine its over-all standards.

The strength, power and authority of the deputy commissioner depends, in the last analysis, upon his capacity to display qualities such as independence of judgment, self-reliance, resourcefulness. It equally depends upon the measure of support he actually receives from the people, his superiors and the government.

The deputy commissioner has to shoulder several onerous responsibilities during his tenure. He ought, therefore, be well endowed with intelligence, judgment and originality and flexibility of mind. He needs to have character and personality intellectual capacity, quick perception, mental alertness, general

education and specialized knowledge and training. The deputy commissioner must be an officer with imagination and drive, one who can anticipate difficulties and is not found wanting in times of emergency. The Punjab being a border state and the sword arm and granary of India, emergencies are bound to occur and pose challenge too often. Diversified experience can help to enlarge the perspective and broaden the outlook. All will require a well-planned programme of training and career development.

Training is not a once-for-all affair which can be or should be concentrated at a single point of time but should be a continuous process. A good training programme is one which equips an administrator with the knowledge, skills and aptitude needed for performing successfully the duties of his job during the next 6 to 10 years of his career. The new developmental responsibilities call for certain changes in the contents of the training scheme. The I.A.S. probationers are no doubt given reasonably good training but there is all the same scope for improvement. Directions in which improvement is needed are: public relations, programme planning and control, governmental organisation and procedures and emerging administration. The political framework in India under the influence of linguistic and allied factors, has become increasingly diversified, and it is essential to develop among the deputy commissioners the right sensitivity to the changed political conditions, preserving intact all the same, the traditional integrity and status of their office. With the introduction of the regional language at all levels of the administration in the Punjab from April 13, 1968, proficiency in Punjabi (regional language) is a "must" for every deputy commissioner. He will not be able to do full justice to his assignment if he experiences some difficulty in communicating or understanding the point of view of the common citizen of the state.

For attracting officers with adequate experience and seniority to the post of the deputy commissioner, it would be necessary to make it attractive. As a first step, the chief administrator or executive officer and the deputy commissioner may be given rent-free furnished accommodation as is done in Madras with officers drawing less than 1,000. This would also help to reduce the gap between the emoluments of the officers posted to the secretariat and those stationed in the district. A fresh outlook



regarding promotions also needs to be developed so that the individual may be judged for it more in terms of his capability for shouldering higher responsibilities and less in terms of fixed time spans.

During emergencies, there is a great strain on the deputy commissioner and if such situations continue for long, they may affect adversely the efficiency of the deputy commissioner. In the U.S.A. some business firms compel their employees to go away every year on paid vacation. The Royal Commission on the United Kingdom Civil Service (1953-55) also cautioned that the strain on the civil service should be relieved before irreparable damage is done. In the Punjab there has been many occasions where there was too much of strain on the deputy commissioner but the government has not provided any substantial relief. It is high time that a clear-cut policy is evolved for making the burdens of the deputy commissioner bearable. Special stress should be laid on planning not only the work but also the leisure by the deputy commissioner. Riding, apart from being an excellent recreation, is still one of the best methods of getting deep into the country side. A police horse and groom are placed at the disposal of the deputy commissioner during the cold weather but the young officers are generally shy to travel on horse back and prefer a car or a jeep. Very few senior officers spend their annual leave on relaxation and recreation and most of them spend it in a manner that causes great strain than office work. There is an unfortunate tendency to let the important domestic functions accumulate and when an officer proceeds on leave, he gets involved in attending to problems such as marriage of the son or daughter, construction of a house, etc. The very purpose of taking leave is thus defeated. Deputy commissioners should be encouraged to take a leave of about 10 days after every six months. The tourist agency of the government should organise holiday treks for officers.

There is a feeling in many quarters that the deputy commissioner is a residuary legatee of all undemocratic functions of the government. In a developing country, like India of today, with predominantly agrarian population and a high degree of illiteracy the danger to democracy, they feel, is from the officials who in majority of cases are adverse to democratic ways of

thought. The need today is for a new social and political philosophy. The people are no longer in a mood to remain satisfied with a slow pace of progress; they want to look out for themselves, will for themselves and choose for themselves.

The deputy commissioner has to learn now how he can make the district administration more responsive to the people and play the role of "friend, philosopher and guide". His position "should be seen as that of the family doctor who is a welcome visitor, rather than that of the probation officer or the police inspector....He could mediate when tensions arise between the non-officials and officials, even prevent this happening. But none of this can be achieved if his visits are infrequent and are looked on as being those of fault-finding rather than friendly adviser".<sup>8</sup>

A General Conference of Commissioners, Deputy Commissioners and Superintendents of Police is held every year in normal circumstances and on an average it lasts four days. The sessions of the conference are mostly business-like and the general problems faced by the officers are discussed. On such occasions, about an hour a day should be provided in the daily programme, by way of an orientation training, to deepen the insights and widen the knowledge of the officers to enable them to deal with emergencies more effectively. Senior military officers, doctors, engineers and top civil servants may sit together and exchange their experience at these conferences.

In brief, the framework of the functioning of the deputy commissioners has changed considerably since Independence in the context of social, economic and political changes which have taken place. The prestige and influence of the deputy commissioner has waned. The standards of service experience and maturity among the present incumbents are lower than what they were in the past. Nevertheless, the office of the deputy commissioner continues to be the pivot of the district administration. The deputy commissioner has come to handle important responsibilities in the fields of development and welfare. As the chief agent of government in the district he has today, as compared to his predecessor, a more difficult and complex

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<sup>8</sup>Henry Maddick : "The Present and Future Role of the Collector in India", *Journal of Local Administration Overseas*, Vol. II, No. 2, 1963. p. 83.

job to perform, particularly with mounting pressures of local politics, interest groups and citizens. As the captain of the team of the district development officers his role is more of persuasion, of getting things done, of seeing through a matter to the end. It is not, therefore, surprising that a demand has arisen to transfer his new developmental responsibilities to an officer of more or less equal status, who would help and advise the new institutions of democratic decentralisation in planning of development programmes on the basis of local resources and needs, further coordinate and supervise the execution of development plans on their behalf. The transition to this new pattern is likely to be gradual. As panchayati raj institutions grow and mature, the burdens of the deputy commissioner will get lightened. However, with the advance of industrialisation and urbanisation he is likely to take up new responsibilities and remain the nodal authority of the district administration. The office of the deputy commissioner calls for men of greater vision, ability and ingenuity. Those of them who succeed in imparting dynamism and sense of purpose to the diversified machinery of government at the district level are bound to be a prized asset to the government and the nation.



## **A p p e n d i c e s**



## APPENDIX 1

### INTERVIEW GUIDE/CHECK POINTS

Name of the District\_\_\_\_\_

Date\_\_\_\_\_

#### A. Revenue Functions

1. What is the organisational set-up at the headquarters and in the field and what assistance is available to the deputy commissioner both in terms of officers and supervisory staff available and delegations made.
2. What are his powers regarding the recruitment, postings, transfers, control and punishment of field staff of different categories.
3. What is the method of communication between the collector, the sub-divisional officer, the tahsildar and the field revenue staff.
4. What are the facilities available to him for making him and other officers sufficiently mobile.
5. What is the need for delegations, for curtailment of procedure, etc., and for reducing the number of cases requiring reference to the supra district level.
6. To see the manner and types of inspections at the district and sub-division level.
7. What are the functions and powers of the collectors under various Acts, Manuals, etc.

#### B. As District Magistrate

1. What are the major functions and powers of the district magistrate under the Code of Criminal Procedure, the Police Act and other Acts which bring him into contact with other departments, e.g., the Motor (Vehicle Act, etc.) and what role has been assigned to him.

2. What are the arrangements for communication between the district magistrate and the superintendent of police and between the district magistrate and superintendent of police on the one hand and other officers on the other as regards laws and order situations.
3. What assistance can be requisitioned from the Army during emergency caused by floods, famine, etc.
4. What are the arrangements which exist for the education and guidance of district magistrate especially in regard to law and order situations.
5. What is the existing set-up of the intelligence machinery of different types at the district level and the manner in which liaison is maintained by him.
6. The machinery which exists for coordinating the activities of the magistracy and the police to secure the most efficient results.
7. To know the effect of the separation of judiciary from the executive on the law and order situation and the number of security cases.
8. What are the measures taken by the district magistrate to fulfil his role as chief prosecutor and how does he bring about close coordination between the police and the prosecuting agency.
9. What is the control exercised by him over the entire prosecution agency.
10. What are the types of cases referred to him by the superintendent of police and to scrutinise the procedure followed for handling them.
11. What are the existing instructions regarding confidential reporting of superintendent of police and lower officers.
12. What type of relationship exist between the district magistrate and other senior police officers.
13. What are the problems and difficulties experienced by him in spite of instruction.
14. Who should be the incharge of law and order in the district.



### C. The Development Departments and Planning

1. What are the procedures for the preparation and execution of a coherent integrated plans for the district, both for the schemes transferred to Panchayati Raj and for schemes outside Panchayati Raj.
2. Is there any interdepartmental agency at the district and subdivision level to coordinate the preparation of plans. Are there any committees, planning bodies, etc., if so, how are they formed and how do they function.
3. What role has been assigned to the deputy commissioner and the planning bodies and whether they are able to plan their respective roles effectively.
4. Is there an adequate organisation or assistance available to him in this regard and whether this organisation is properly fed with information.
5. What is the role of statistical organisation at the district level to assist the authorities in the preparation of plans for the district generally and for the agricultural group of subjects especially and how far the existing arrangements are adequate and satisfactory.
6. What are the governmental instructions which exist to define the relationship between him and the other district level officers both for preparing and implementing development plans and how these instructions are being implemented.
7. What relationships exist between him, the district level officers and the Panchayati Raj bodies and to see how and where he figures in this and to see in particular what degree of consultation is carried out with district level authorities by government when making allocations.
8. What general principles of delegation have been laid down to secure the maximum possible decisions at or below the district level.
9. How is the technical advice made available to him and Panchayati Raj bodies by district and supra-district level officers.
10. What are the procedures and machinery which exist to perform the functions of review and evaluation of the plans.

**D. Agricultural Production**

1. What is the role briefly assigned to him by the government in the field of agricultural development.
2. To list all the departments and activities relating to the agricultural group of the subjects.
3. What organisation, procedures or committees exist at the district level for planning for and in any other way promoting the agriculture group of activities. What is their composition, powers and procedures; the working of the committees, the frequency of committee meetings, the kind of agenda placed before it, how far are the arrangements effective.
4. What procedures and rules govern correspondence between the district authorities and their superiors regarding plan proposals.
5. What is the assistance given to him for discharging duties, as the coordinator of agricultural programmes. Is it adequate in strength and quality.
6. What kind of liaison is maintained by his organisation with the Panchayati Raj bodies.
7. What are the links that exist between the field staff, block development officer and other district level officers.
8. What are the organisational and procedural arrangements which exist to effect coordination with irrigation authorities and what kind of relationship exists between him and the Executive Engineer (Irrigation) in particular.
9. To find out arrangements for the supply and distribution of essential materials, *i.e.*, fertilizers, cement, seed, pesticides, etc. What is the role played by him.
10. What are the authorities prescribed for sanctioning, allotting and where applicable, distributing different kinds of funds (including loans) for these activities.

**E. Other Executive Departments**

1. What is the level of officers heading other executive departments at the district level.
2. To see the relationship between him and other district heads of departments.

3. What are the instructions governing the correspondence between the government and heads of departments on the one hand and the district level officers on the other and to see where, how and to what extent the deputy commissioner is brought in the picture.
4. What are his functions and duties in relation to licensing, relief, census, vital statistics, ancient monuments, etc.
5. What is the administrative control exercised by him in matters like confidential reports, tour programmes and diaries, leave, conduct and discipline, etc.
6. What is the role of inspections, any controls available to be kept informed of progress of development activities.
7. What is the amount of participation at meetings and conferences on development matters held within or outside the districts.
8. What are the unresolved problems and in what manner and how effectively are they being tackled.
9. Should he be the watchdog of the government, not merely being the 'eyes and ears' but also the voice of the government: whether in that capacity he should watch the work of all departments and advise them generally and report to government and do such things as not only reporting on programmes but also maintaining the record of performance of each officer by way of writing of confidential reports.

#### **F. The Deputy Commissioner and Panchayati Raj Bodies**

1. What are the powers and functions of three tiers of Panchayati Raj bodies.
2. What is the role assigned to the deputy commissioner as well as to the commissioner : (a) under the law, (b) under any executive instructions in relation to the Zila Parishad, Panchayat Samiti and Gram Panchayats as well as in relation to any committees that may have been established in the set-up, to see how this relationship works in practice and also to find out the links : (i) between the government and the commissioner, (ii) the commissioner and the deputy commissioner, and (iii) government and the deputy commissioner in the matter.

3. What are the laws and instructions governing the relationship between the Zila Parishad and the district level officers especially in the matter of administrative control and is there any vagueness or blurring of lines of responsibility and control *vis-a-vis* the deputy commissioner.
4. What is the impact of the emergency of Panchayati Raj bodies on his role and status.
5. Relations with the elected representatives of Panchayati Raj bodies—the need to be responsive to the people's felt needs *vis-a-vis* withstanding of unreasonable pressures.
6. Special duties and responsibilities in regard to community Development programmes.
7. After the introduction of the Panchayati Raj, who should be incharge of developmental functions.
8. Should he be within or outside the framework of Panchayati Raj structure.
9. Suitability of appointing a full-time officer to look for development side.

#### **G. The Deputy Commissioner and Urban Local Bodies**

1. What is the role assigned to him as well as to the commissioner (a) under the law, and (b) under executive instructions in relation to municipal and other urban local bodies and to see how these roles are fulfilled in practice.
2. What are the duties and powers to regulate the control of the functioning of urban local bodies.
3. Relationship with Improvement Trusts and Cantonment Boards.
4. The impact of the setting up of the Directorate of Local Bodies on the workload of the deputy commissioner.

#### **H. The Protocol Work**

1. To scrutinise the existing instructions governing the protocol duties, attendance on Ministers and VIPs and regarding orders passed by Ministers on tours.

2. What is the extent to which he is kept busy or compelled to change his tour programme in order to perform these duties.
3. What are the occasions where his presence is absolutely essential.
4. What is the extent of time needed in connection with pre-arrangements in connection with the visits.
5. To assess his role as the ceremonial head of the district.

#### **I. Public Relations and Public Grievances**

1. Relationship with the public, the arrangements made for interviews and for the follow-up of these interviews.
2. What is the method of furnishing the information required by the people individually or collectively.
3. What are the procedures followed for dealing with complaints and enquiries relating to his own agencies or other departments and the organisation.
4. The problem of access by the citizen to the deputy commissioner machinery for redress of citizens complaints, how does it function.
5. Relationship with the Public Relations Officer and his role in arranging publicity etc. of the government policy.
6. How far the contacts with the people effect the position and status in the eyes of the public.

#### **J. As the Representative of the Government and the Role in Emergency**

1. General powers of supervision over other district level officers as the representative of the government.
2. What are his powers—statutory or otherwise which are vested in him to meet emergencies or any situations relating to any department in which reference to the normal channels is likely to occasion loss or embarrassment to government.
3. Has he got adequate control to cope with the emergencies.
4. What are the existing arrangements for the guidance of deputy commissioners to take prompt and adequate action in emergencies and whether codified and up-to-date instructions are available.

5. What matters are routed through the commissioner and what are taken up directly by him with the administrative departments in the Secretariat.
6. What are the changes in his powers and duties since Independence and what is his role as the overall representative of the state government in the district.
7. What is his role in family planning, red cross, small savings scheme, collection of funds, etc.
8. How can he play a more effective role at the time of emergency, the problem of delegation.
9. Experience of the officials at the time of Chinese and Pakistani aggression.
10. Role played in civil defence, rehabilitating the refugees and collection of National Defence Fund.

#### **K. General**

1. What is the adequacy of staff requirements available to him.
2. What are the sources of recruitment and with what experience and seniority officers are in fact being posted and what is their average length of stay, age, experience, etc.
3. Categories (formal or informal) of districts on the basis of area, population, nature and extent of work done and problems encountered; and what is the criteria if there is any such categorisation.
4. What are the special pay and allowances, residential facilities, travelling allowance and other benefits admissible to them and also to find whether officers generally tend to prefer Secretariat postings to district postings.
5. What are the authorities who report on the work of the deputy commissioner and what rationalisation is required on that score.
6. Are there any special arrangements for coordination in the district which are situated on the borders.
7. The existing arrangements and procedures for the administrative control of the field staff at the sub-divisional level.

8. Should he be the captain of the team of officers exercising executive powers and whether he is content to be a mere coordinator without being made responsible of various programmes.
9. Whether adequate relief should be given in the shape of breaking the districts into smaller units or alternatively by giving him some assistance. Experience of the working of the institution of additional deputy commissioners.
10. In view of the changed role, is the present system of recruitment and training satisfactory.
11. Responsibility of Treasury, Registration, Civil Supplies, etc.
12. Steps to make the touring more rigorous and useful.

## APPENDIX

STATEMENT SHOWING THE I.A.S. CADRE FOR THE PUNJAB  
1ST JANUARY OF

Detail of Posts	1948	1949	1950	1951	1952	1953	1954	1955	1956
1. Senior Posts under Government	24	24	26	26	26	26	26	25	30
2. Senior Posts under Central Government	7	7	7	7	7	7	7	7	12
	31	31	33	33	33	33	33	32	42
3. Posts to be filled by promotion and selection in accordance with rule 8 of the Indian Administrative Services (Recruitment) Rules, 1954	8	8	8	8	8	8	8	8	10
4. Posts to be filled by direct recruitment	23	23	25	25	25	25	25	24	32
5. Deputation Reserve at 15% of 4 above	4	4	4	4	4	4	4	4	5
6. Leave Reserve at 11% of 4 above	3	3	3	3	3	3	3	3	4
7. Junior posts at 20.6% of 4 above	5	5	5	5	5	5	5	5	7
8. Training Reserved at 10.59% of 4 above	2	2	3	3	3	3	3	3	3
Direct Recruitment posts	37	37	40	40	40	40	40	39	51
Promotion posts	8	8	8	8	8	8	8	8	10
Total authorised strength	45	45	48	48	48	48	48	47	61

SOURCE : Gradation and Distribution Lists of the Government of the Punjab.



**STRENGTH AS FIXED BY THE GOVERNMENT OF INDIA AS ON  
EACH YEAR**

1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968 to 1970
43	54	54	54	71	81	80	81	81	81	61	61
17	22	22	22	28	32	32	32	32	32	24	24
60	76	76	76	99	113	112	113	113	113	85	85
15	19	19	19	24	28	28	28	28	28	21	21
45	57	57	57	75	85	84	85	85	85	64	64
7	9	9	9	11	13	13	13	13	13	13	13
5	6	6	6	8	9	9	9	9	9	7	7
9	12	12	12	15	18	17	18	18	18	13	13
5	6	6	6	8	9	9	9	9	9	7	7
70	90	90	90	117	134	132	134	134	134	104	104
15	19	19	19	24	28	28	28	28	28	21	21
86	109	109	109	141	162	160	162	162	162	125	125

## APPENDIX 3

TABLE SHOWING ANNUAL FIGURES OF RECRUITMENT TO I.A.S. FOR PUNJAB FROM DIFFERENT SOURCES

Year	ICS	War Service recruits	R.R.	Promoted from State Civil Service			Promoted from State Services other than S.C.S.			Emergency Recruits		Lists I, II, III	Special Recruits			
				From Select List	Outside Select List UPSC	Total	From Select List	From outside select list with approval of UPSC	Total	Open Market	State Civil Service		Open Market	State Civil Service	State Service Other than S.C.S.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1948	30	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1949	29	7	2	1	—	1	—	—	—	—	—	—	—	—	—	
1950	28	7	2	5	—	5	—	—	—	—	2	—	—	—	—	
1951	26	7	4	5	—	5	—	—	—	—	4	—	—	—	—	
1952	25	7	5	4	—	4	—	—	—	—	4	—	—	—	—	
1953	23	7	7	7	—	7	—	—	—	—	4	—	—	—	—	

1954	22	7	10	7	—	7	—	—	—	—	4	—	—	—	—	—
1955	23	7	13	7	—	7	—	—	—	—	4	—	—	—	—	—
1956	23	7	14	11	—	11	—	—	—	—	4	—	—	—	—	—
1957	20	7	19	14	—	14	—	—	—	—	4	9	—	—	—	—
1958	18	7	21	18	1	19	—	1	1	—	4	9	—	17	3	3
1959	18	7	25	16	2	18	—	2	2	—	3	9	4	17	3	3
1960	18	7	29	17	2	19	—	2	2	—	2	9	4	16	3	3
1961	18	7	35	23	1	24	—	1	1	—	2	8	5	14	3	3
1962	18	7	45	26	2	28	—	2	2	—	1	8	5	12	3	3
1963	16	7	53	25	2	27	—	2	2	—	1	7	5	12	3	3
1964	13	7	62	25	2	27	—	2	2	—	1	7	5	12	3	3
1965	13	7	62	25	2	27	—	2	2	—	1	7	5	12	3	3
1966	13	7	62	25	2	27	—	2	2	—	1	7	5	12	3	3
1967	5	3	63	14	—	14	—	—	—	—	—	5	2	2	1	1
1968	5	3	63	14	—	14	—	—	—	—	—	5	2	2	1	1

SOURCE : Gradation and Distribution Lists of the Government of the Punjab.

## APPENDIX 4

### DISTRICT LEVEL OFFICERS WHOSE WORK IS COORDINATED BY THE DEPUTY COMMISSIONER

<i>Name of the Department</i>	<i>Level of Officers</i>
1. Forests	Divisional Forest Officer
2. Public Works	Executive Engineer (B & R)
3. Irrigation	Executive Engineer (Irrigation)
4. Electricity	Executive Engineer, Punjab State Electricity Board
5. Agriculture	District Agricultural Officer
6. Animal Husbandry	District Animal Husbandry Officer
7. Consolidation	Settlement Officer (Consolidation of Holdings)
8. Employment	Regional Employment Officer
9. Food and Supplies	District Food and Supplies Officer
10. Panchayat	District Development and Panchayat Officer
11. Public Instruction	District Education Officer
12. Public Relation and Tourism	District Public Relations Officer
13. Social Welfare	District Social Welfare Officer
14. Sports	District Sports Officer
15. Fisheries	Fisheries Officer
16. Welfare of Scheduled and Backward Classes	District Welfare Officer
17. Economic and Statistical Adviser	District Statistical Officer
18. Excise and Taxation	District Excise and Taxation Officer
19. Police	Superintendent of Police

<i>Name of the Department</i>	<i>Level of Officers</i>
20. Prisons	Superintendent District Jail
21. Labour	Labour Officer
22. Cooperative	Assistant Registrar Cooperative Societies
23. Rehabilitation	Tahsildar

## APPENDIX 5

### POSITION OF DEPUTY COMMISSIONER/COLLECTOR IN ZILA PARISHADS IN DIFFERENT STATES OF INDIA

1. Andhra Pradesh : Member, Chairman of all its standing committees. Entitled to participate in meetings of Samitis and their standing committees.
2. Assam : Member
3. Bihar : Entitled to attend and participate in meetings of Samitis and Parishads and their Standing Committees, but cannot vote.
4. Gujarat : Associate Member without any right to vote.
5. Madras : Member and Chairman of the District Development Council.
6. Madhya Pradesh : Outside the Zila Parishad.
7. Maharashtra : Outside the Zila Parishad.
8. Mysore : Outside the Zila Parishad.
9. Orissa : Member, without right to vote.
10. Punjab : Member, without right to vote.
11. Rajasthan : Member, without right to vote.
12. Uttar Pradesh : Member, without right to vote. May send communication to the Zila Parishad for being read at its meetings for discussion.
13. West Bengal : Outside the Zila Parishad
14. Himachal Pradesh : Chairman
15. Haryana : Member, without right to vote

16. Kerala : Kerala Panchayat Union Councils and Zila Parishads Bill lapsed but Zila Parishads Bill 1968 has been introduced.
17. Jammu & Kashmir : A sound Panchayat Raj system not yet been evolved.

## APPENDIX 6

**COMPARATIVE STATEMENT OF THE POWERS OF COLLECTORS/DEPUTY COMMISSIONERS IN THE  
STATE WHERE DIRECTORATES HAVE BEEN SET UP**

Gujarat	Kerala	Maharashtra	Punjab	Rajasthan
Gujarat Municipal Act, 1963	Kerala Municipal Act, 1960	Maharashtra Municipal Act, 1965	Punjab Municipal Act, 1911	Rajasthan Municipal Act, 1959
Sec. 214 : Power to declare any area within a municipal borough as affected by the outbreak of any dangerous disease and to prescribe the limitations, restrictions and conditions subject to which the municipality shall exercise the powers specified in sub-section (2) of this section.	Sec. 43 : Power for purpose of control. Sec. 44 : Power to enforce execution of resolution. Sec. 45 : Power to suspend or cancel resolutions, etc. Sec. 46 : Emergency powers	Secs. 17, 19, 20, 51 : Concerning the elections. Secs. 44, 45 : Decide cases of disqualification Sec. 49 : To accord sanction for expenditure. Sec. 91 : To accord sanction of expenditure.	Sec. 42 : Power to prevent extravagance in establishments. Sec. 54 : Custody of municipal fund. Sec. 62 : Procedure to impose taxes. Sec. 84 : Appeals against taxation	Sec. 6 : To receive objections. Sec. 44 (8) : Election Petitions. Sec. 65 (12) : To receive resignation of chairman. Sec. 67 (f) Copy of resolutions. Sec. 86 (2) : Appeals. Sec. 166 (2) : Possession of government lands.
Sec. 216 : Power to withdraw in the case of Sec. 214, any power	Sec. 55 : Power to officers acting for, or in default of,	Sec. 167 : Writing off irrecoverable of Tax.	Sec. 225 : Appeals from orders or committees.	



and to cancel or modify any limitation, restriction or condition prescribed in respect of any such power.	Sec. 308 : To suspend the execution of works.	Sec. 231 : Control by deputy commissioner.	Sec. 285 (1): Suspension of resolution.
Sec. 219 (1) : Power to confer on a municipality, the powers specified in sub-section (2).	Sec. 309 : Emergency power.	Sec. 232 : Powers to suspend any resolution or order of the committee.	
	Sanction the bye-laws.	Sec. 233 : Extraordinary powers in case of emergency.	
		Sec. 239 : Settlement of disputes between committee or cantonment authorities.	
		Sec. 245 : Power of state government and its officers over committees.	

## APPENDIX 7

### INSPECTIONS TO BE CARRIED OUT BY DIVISIONAL COMMISSIONER, DEPUTY COMMISSIONERS AND SUB-DIVISIONAL OFFICERS AND THEIR FREQUENCY

#### *Offices Inspected*

#### *Frequency*

#### *(a) By Divisional Commissioner*

- |   |   |
|---|---|
| 1. Inspection of Tahsils/<br>Sub-Tahsils                              | Once in 3 years   |
| 2. Inspection of Deputy<br>Commissioner's /Sub-<br>Divisional Officer | Once in a year  |
| 3. Inspection of Jails  | According to para 48(1) of the Punjab Jails Manual, Commissioner is required to visit the Jail at Headquarters once in three months and those in other Districts when on tour.  |
| 4. Inspection of Community<br>Development Blocks                      | One Block in each Tahsil every year.  |
| 5. Inspection of Panchayat<br>Samitis and Zila Parishads              | The Commissioner is required to visit as many Panchayat Samitis and Zila Parishads as possible during his tour to the Districts. He should endeavour to visit at least one Panchayat Samiti in each Tahsil of a district and every Zila Parishad once a year. |
| 6. Inspection of Treasuries   | Once in a financial year  |
| 7. Inspection of Sub-<br>Treasuries                                   | Not prescribed  |

#### *(b) By Deputy Commissioners*

- |  |                   |
|--|-------------------|
| 1. Inspection of Tahsils/<br>Sub-Tahsils | Once in two years |
|--|-------------------|

<i>Offices Inspected</i>	<i>Frequency</i>
2. Inspection of the office of the deputy commissioner	Yearly
3. Inspection of the office of the Sub-divisional officers	Yearly
4. Inspection of Jails	Quarterly
5. Inspection of Community Development Blocks	Frequent inspections
6. Inspection of Treasuries and Sub-Treasuries	Yearly at least
<i>(c) By Sub-Divisional Officer (Civil)</i>	
1. Inspection of Tahsils/Sub-Tahsils	Half yearly
2. Courts of the Sub-Divisional Officer	Yearly
3. Office of the Sub-divisional Officer	Yearly
4. Copying Agency	Half-yearly
5. Revenue Record Room	Half-Yearly
6. Sub-Treasury	Half-yearly

## APPENDIX 8

### LIST OF THE COMMITTEES/CONFERENCES OF WHICH THE DEPUTY COMMISSIONER IS THE CHAIRMAN OR THOSE HE HAS TO CONVENE

1. Public Relations and Grievances Committee
2. District Agricultural Production Committee
3. District Citizens Council
4. Revenue Officers Monthly Meeting
5. Officers Board
6. House Allotment Committee (except at Divisional Headquarters)
7. District Soldiers, Sailors and Airmen's Board
8. District Relief Fund Committee
9. Rehabilitation Staff Monthly Meeting
10. Jail Inspection Board
11. Meeting with the Superintendent of Police and the District Excise and Taxation Officer
12. Advisory Committee for allotment of inferior evacuee land
13. Advisory Committee on the Rehabilitation of Goldsmiths
14. Special Committee under Rules 8 and 9 (Surplus Area)
15. District Fauna Committee
16. Special Committee to examine the fairness of submissions made by the sub-Regional Employment Exchange
17. District Children's Film Committee
18. District Community Listening Sets Allotment Committee
19. Committee for Harijan Welfare Schemes
20. District Library Committee
21. Small Savings District Advisory Committee
22. Civil Supplies Coordination Committee
23. District Red Cross Society
24. Society for Prevention of Cruelty to Animals
25. Drainage Committee
26. Family Planning Association

27. Consumers Cooperative Stores—Board of Directors
28. District Olympic Association
29. District Sports Council
30. Quarterly meeting with Districts & Sessions Judge and Superintendent of Police
31. Auxiliary Forces Welfare Committee
32. Posts and Telegraphs Advisory Committee
33. District Gazetteer (Revision) Committee

## APPENDIX 9

## FINANCIAL DELEGATION TO THE DEPUTY COMMISSIONER

Sr. No.	Reference to rules under which delegated	Nature of Powers	Extent of Powers
1	9 19.6*	To sanction the payment of rent for houses or land for other than residential purposes, <i>i.e.</i> , for ordinary office accommodation, godowns, etc.	<p>1. When the accommodation is provided in a separate building, Rs. 100 a month.</p> <p>2. When the accommodation is provided in a building partly used as a private residence on the proportion of the plinth area, upto one-half of total monthly rent or Rs. 45 a month whichever is less.</p>
2	16 19.6	To sanction expenditure in connection with civil suits instituted with the sanction of the Controlling Authority as defined in the Punjab Law Department Manual.	Up to Rs. 500 in each case.
3	24 19.6	To sanction purchase of books and maps.	<p>Provided—</p> <p>(a) That the books are of a scientific, legal, medical, educational, technical or professional character; and</p> <p>(b) That the expenditure on any one book excluding postage, does not exceed Rs. 30</p>

4	36	19.6	To sanction a payment of section-writing and copying charges at piece-work rates (except printing of Shajras in the Irrigation Branch).	Full powers within budget limit in accordance with the following rate :
5	37	19.6	To sanction payment of section-writing charges for translation work at piece-work rates.	(i) For plain copying—1,440 words per rupee.  Full powers within budget limits so long as the rates do not exceed those given below :
6	44	19.6	To grant rewards to patwaris, lambardars and chaukidars for reporting outbreaks of cattle disease.	For translations from English into Hindi, Urdu, Gurmukhi or Punjabi, Rs. 4 per thousand words (including revision fee). For translations from Hindi, Urdu, Gurmukhi or Punjabi into English (including revision fee) Rs. 3.12 per thousand words.
7	45	19.6	To grant rewards to patwaris for reporting cases of plague, cholera and small pox.	Not exceeding Rs. 20 in any one case and to be given on the recommendations of superintendents of the Civil Veterinary Department.
8	53	19.6	To sanction contingent charges (including therein stationery, implements, prizes and stipendary allowances) of a Patwari School.	Up to Rs. 10 in any one case, and provided that a recommendation for a reward is made by the Director of Health Services.
9	54	19.6	To sanction the remittance by money order at Government expences of the pay, travelling allowance and contingent charges of all patwaris except those stationed at tahsil headquarters.	To the extent of Rs. 100 per district for the period of 5½ months.  Full powers

## APPENDIX 9 (Contd.)

Sr. No.	Reference to rules under which delegated	Nature of Powers	Extent of Powers
10	66	To grant rewards in Excise cases	Rs. 200. This being the aggregate limit to rewards in any one Excise case.
11	77	To sanction expenditure on petty construction and repairs falling under "Conservancy of Kutchery Compounds".	Up to Rs. 250.
12	78	To sanction expenditure for each district in any one year on furniture, plate, glass, crockery and table linen in dak bungalows and rest houses.	Up to Rs. 200.
13	89	To sanction an allowance of Rs. 4 per mensem to bhishtis and sweepers employed in Police lock-ups.	Full powers
14	110	To sanction the amount of professional fees, the class of railway accommodation and other journey expenses for private nurses escorting the indigent or criminal mental patients in all cases of transfer of such patients except those transferred from the Punjab Mental Hospital.	Full powers provided that all bills connected with this expenditure are countersigned by the Medical Superintendent, Punjab Mental Hospital.
15	7	To sanction leases of buildings with or without land attached.	Up to two years provided the amount of the lease money does not exceed Rs. 500 per annum.
16	8	To sanction leases of agricultural government land in canal colonies for temporary cultivation.	Up to 56 acres in each individual case for a period not exceeding 10 harvests (both Kharif and



Rabi) but all leases for more than six harvests should be reported to the Commissioner for information.

- 17 1 19.9 To sanction expenditure from the provision for discretionary grants placed at their disposal on the following objects :
- (a) Rewards in cases of bravery and self-sacrifice not otherwise provided for.
  - (b) Expenses of petty local darbars, *i.e.*, darbars held by the Deputy Commissioners, or officers above the rank of Deputy Commissioners.
  - (c) Temporary relief of individual cases of urgent distress not covered by other rule.

Subject to the maximum of Rs. 50 in any one instance in cases falling under clauses (a) and (b) and Rs. 25 for cases under clause (c).

Up to the limits of the amounts placed

- 18 24 19.9 To make payments of grant-in-aid to market committees in lieu of fines credited to State Revenues under the Punjab Agricultural Produce Markets Act, 1939.

Up to Rs. 2,500 in any individual case within the limits of the funds allotted for the purpose.

- 19 11 19.10 To sanction the grant of loans under Act XIX of 1883.

Up to Rs. 1,500 in each case

- 20 1 19.12 To convey administrative approval to estimates for construction or repairs of Patwarkhanas

Full powers

- 21 2 19.14 To sanction sale of articles of stores or stock declared surplus or unserviceable by competent authority.

Rs. 250

- 22 2 19.15 To write off losses of stock due to depreciation of serviceable stock (*i.e.* book losses only, as opposed to actual losses).

Up to a limit of Rs. 200 in each individual case

- 23 7 19.15 To sanction write off of books lost or rendered unserviceable in their own and in subordinate offices, if any.

18-9-71

## APPENDIX 9 (Concluded)

Sr. No.	Reference to rules under which delegated	Nature of Powers	Extent of Powers
24	9	To write off irrecoverable loss of stamp revenue.	Up to Rs. 25
25	19.15 19.16	To sanction immediate remission of land revenue due to— (a) Any calamity to the harvest (b) Locusts to hail in any harvest	Up to a limit of Rs. 500 for the whole district.
26	3	To remit arrears of land revenue	Up to a limit of Rs. 10,000 under 3 years' rule for one harvest per district, if satisfied that since the revenue was suspended, due diligence has been shown in collection.
27	10	To write off the talbana due in all cases where the main demand has been written off by the Financial Commissioner.	Full powers
28	23	To grant, under Section 39 of the Indian Stamp Act, 1899, refund of— (a) Penalty paid under Section 38(i) of the said Act; (b) Penalty paid in respect of an instrument which had been impounded only because it has been written in contravention of section 13 or section 14 of the Act.	Any portion of the penalty in excess of five rupees (section 39(i) of the Stamp Act). Full powers (section 39(2) of the Stamp Act).
29	35.A	To sanction refund of the value of spoil, unserviceable, obsolete or unused tobacco licence forms.	Full powers subject to the deduction at Re. 0.78 per cent being the discount allowed on the sale of tobacco licences.

\*Reference is to the Punjab Financial Rules, Volume 1, 1965.

Rabi) but all leases for more than six harvests should be reported to the Commissioner for information.

Subject to the maximum of Rs. 50 in any one instance in cases falling under clauses (a) and (b) and Rs. 25 for cases under clause (c).

Up to the limits of the amounts placed

Up to Rs. 2,500 in any individual case within the limits of the funds allotted for the purpose.

Up to Rs. 1,500 in each case

Full powers

Rs. 250

Up to a limit of Rs. 200 in each individual case

To sanction expenditure from the provision for discretionary grants placed at their disposal on the following objects :

- (a) Rewards in cases of bravery and self-sacrifice not otherwise provided for.
- (b) Expenses of petty local darbars, *i.e.*, darbars held by the Deputy Commissioners, or officers above the rank of Deputy Commissioners.
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To sanction sale of articles of stores or stock declared surplus or unserviceable by competent authority.

To write off losses of stock due to depreciation of serviceable stock (*i.e.* book losses only, as opposed to actual losses).

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26	3 19.16		Up to a limit of Rs. 10,000 under 3 years' rule for one harvest per district, if satisfied that since the revenue was suspended, due diligence has been shown in collection. Full powers
27	10 10.16	To write off the talbana due in all cases where the main demand has been written off by the Financial Commissioner.	Any portion of the penalty in excess of five rupees (section 39(i) of the Stamp Act).
28	23 19.16	To grant, under Section 39 of the Indian Stamp Act, 1899, refund of— (a) Penalty paid under Section 38(i) of the said Act; (b) Penalty paid in respect of an instrument which had been impounded only because it has been written in contravention of section 13 or section 14 of the Act.	Full powers (section 39(2) of the Stamp Act).
29	35.A 19.16	To sanction refund of the value of spoilt, unserviceable, obsolete or unused tobacco licence forms.	Full powers subject to the deduction at Re. 0.78 per cent being the discount allowed on the sale of tobacco licences.

\*Reference is to the Punjab Financial Rules, Volume 1, 1965.